RECORD AND BRIEFS

No. 15-1262

In the
Supreme Court of the United States

PATRICK MCCRORY, in his capacity as Governor of North Carolina, NORTH CAROLINA STATE BOARD OF ELECTIONS, and A. GRANT WHITNEY, JR., in his capacity as Chairman of the North Carolina State Board of Elections,

Appellants,

v.

DAVID HARRIS and CHRISTINE BOWSER,

Appellees.

On Appeal from the United States District Court for the Middle District of North Carolina

JOINT APPENDIX VOLUME I

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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF
NORTH CAROLINA

1:13CV949

DAVID HARRIS, CHRISTINE BOWSER, AND SAMUEL LOVE,

Plaintiffs,

v.

PATRICK MCCRORY, in his capacity as Governor of North Carolina, NORTH CAROLINA STATE BOARD OF ELECTIONS, and JOSHUA HOWARD, in his capacity as Chairman of the North Carolina State Board of Elections,

Defendants.

MEMORANDUM ORDER

THIS MATTER comes before the Court on Plaintiffs' Motion for Preliminary Injunction and Defendants' Motion to Stay, Defer, or Abstain (Doc. Nos. 18, 43). Plaintiffs are North Carolina voters seeking declaratory and injunctive relief on the ground that two of the State's congressional districts are the result of racial gerrymandering in violation of the Equal Protection Clause. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials presently before the Court, and argument would not aid in our decision. *See* M.D. Loc. R. 7.3(c). For the reasons discussed below, both motions are DENIED WITHOUT PREJUDICE.

I.

The North Carolina congressional districts at issue – Congressional District 1 ("CD 1") and Congressional District 12 ("CD 12") – were redrawn in 1997 following litigation in the United States Supreme Court challenging both districts as illegal racial gerrymanders.[1] *See Shaw v. Hunt*, 517 U.S. 899 (1996) ("Shaw II"); *Shaw v. Reno*, 509 U.S. 630 (1993) ("Shaw I"). Neither district was redrawn as a majority African-American district, that is, one in which African-Americans constitute more than 50 percent of the population, and both districts survived subsequent constitutional challenges. *See Easley v. Cromartie*, 532 U.S. 234 (2001) ("Cromartie II"); *Hunt v. Cromartie*, 526 U.S. 541 (1999) ("Cromartie I"). North Carolina again redrew CD 1 and CD 12 after the 2000 Census, and although the State increased the Black Voting Age Population ("BVAP") of both districts, neither became a majority African-American district. However, the districts were again redrawn after the 2010 Census, in 2011, and CD 1 and CD 12 are now both majority African-American districts by voting age population.

Plaintiffs have sued Governor Patrick McCrory in his official capacity, the North Carolina State Board of Elections, and its Chairman, Joshua Howard, in his official capacity, asserting that North Carolina has "packed" African-American voters into CD 1 and CD 12, that race was the predominant factor in the redistricting plan, and that Defendants had no compelling interest in doing so. In support of their claims, Plaintiffs cite, *inter alia*: statements from the

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[1] The facts and legal conclusions contained herein are found based on this preliminary record, without prejudice to the parties' presentation of such facts and argument as may be appropriate following discovery and further briefing.

officials responsible for developing the redistricting plan about their purpose in redrawing the districts; the unusual geographic shape of the districts; and the fact that African-American voters consistently had been able to elect their preferred candidate even when CD 1 and CD 12 were not majority African-American districts. In response, Defendants argue that they redrew CD 1 not on the basis of race, but rather because CD 1 was under-populated and because they sought to avoid liability under Sections 2 and 5 of the Voting Rights Act[2] by redrawing CD 1 as a majority African-American district. With respect to CD 12, Defendants argue that they redrew the district boundaries in order to obtain a partisan advantage by making the surrounding districts more competitive for Republican candidates, and also to avoid liability under Section 5 of the Voting Rights Act.

In a separate state court action, Margaret Dickson and the North Carolina National Association for the Advancement of Colored People ("NAACP") have also challenged the constitutionality of the 2011 redistricting plan, including a challenge to CD 1 and CD 12. *Dickson v. Rucho*, Nos. 11CVS 16896, 11 CVS

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[2] Section 2 prohibits any voting practices that "result in a denial or abridgment of the right of any citizen of the United States to vote on account of race or color," or membership in a particular language group. 42 U.S.C. § 1973(a). Section 5 requires covered jurisdictions to obtain preclearance before changing their districting plans, granting preclearance only when the change "neither has the purpose nor will have the effect of denying or abridging the right to vote on account of race or color." *Riley v. Kennedy*, 553 U.S. 406, 412 (2008). Recently, the Supreme Court struck down the formula used to determine which jurisdictions are covered as unconstitutional, but without holding that Section 5 itself is unconstitutional. *See Shelby Cnty. v. Holder*, 133 S.Ct. 2612 (2013).

16940, 2013 WL 3376658 (N.C. Sup. 2013). On July 8, 2013, the North Carolina trial court upheld the 2011 redistricting plan, finding that the State had a strong evidentiary basis to conclude that it was reasonably necessary to redraw CD 1 as it did in order to avoid liability under the Voting Rights Act, and that the district was narrowly tailored to this purpose. The court also found that the State's predominant motive in redrawing CD 12 was to establish a Democratic stronghold and that race was not a predominant factor. Dickson and the North Carolina NAACP appealed the trial court's ruling, and the North Carolina Supreme Court heard oral argument on January 6, 2014. As of the present date, the North Carolina Supreme Court has yet to rule.

Plaintiffs in this matter seek a preliminary injunction enjoining Defendants from holding elections under the 2011 redistricting plan, whereas Defendants urge the Court to stay, defer, or abstain in light of the pending appeal before the North Carolina Supreme Court.

II.

"A plaintiff seeking a preliminary injunction must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest." *Winter v. Nat. Res. Def. Council, Inc.*, 129 S.Ct. 365, 374 (2008) (internal citations omitted). "[I]njunctive relief [i]s an extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief." *Id.* (internal citations omitted). *See Direx Israel, Ltd. v. Breakthrough Med. Corp.*, 952 F.2d 802, 811 (4th Cir. 1991) ("Federal decisions have uniformly

characterized the grant of interim relief as an extraordinary remedy involving the exercise of a very far-reaching power which is to be applied 'only in [the] limited circumstances' which clearly demand it.")

We review a state's redistricting plan under strict scrutiny if the plaintiff shows "either through circumstantial evidence of a district's shape and demographics or more direct evidence going to legislative purpose, that race was the predominant factor motivating the legislature's decision to place a significant number of voters within or without a particular district." *Miller v. Johnson*, 515 U.S. 900, 916 (1995). "To make this showing, a plaintiff must prove that the legislature subordinated traditional race-neutral districting principles, including but not limited to compactness, contiguity, and respect for political subdivisions or communities defined by actual shared interests, to racial considerations." *Id.* We otherwise review the state's redistricting plan under rational basis review. If the plaintiff meets the burden for strict scrutiny, however, "the State must demonstrate that its districting legislation is narrowly tailored to achieve a compelling interest." *Id.* at 920. When the state maintains that its race-based districting plan was done in order to achieve its interest in complying with federal anti-discrimination laws, the state must establish that it has a "strong basis in evidence . . . for concluding that creation of a majority-minority district is reasonably necessary to comply with [the Voting Rights Act], and the districting that is based on race substantially addresses the [Voting Rights Act] violation." *Bush v. Vera*, 116 S.Ct. 1941, 1960 (1996) (internal quotation marks and citations omitted).

Plaintiffs have marshaled both circumstantial and direct evidence that race was the predominant factor in North Carolina's redistricting plan, but "courts [are required] to exercise extraordinary caution in adjudicating claims that a State has drawn district lines on the basis of race" in light of "the sensitive nature of redistricting," "the presumption of good faith that must be accorded to legislative enactments," and the fact that "[t]he distinction between being aware of racial considerations and being motivated by them may be difficult to make." *Miller*, 515 U.S. at 916. Assuming, without deciding, that strict scrutiny applies, Plaintiffs' burden in establishing a likelihood of success on the merits is made heavier by the evidentiary support for Defendants' claim that they reasonably feared that failing to redraw CD 1 and CD 12 as majority-minority districts would subject the State to liability under the Voting Rights Act, coupled with the race-neutral interests of addressing under-population and obtaining partisan advantage.

Plaintiffs have articulated the harms that they will likely suffer in the absence of preliminary relief should the Court ultimately find that they prevail on the merits. However, this factor must also be weighed against the harms to Defendants upon the issuance of an order enjoining them from proceeding with the upcoming elections under the present districting plan, along with the public's interest in having elections proceed in a timely manner with minimal voter confusion. Plaintiffs' burden is quite a heavy one, and weighing all four of the factors considered when granting or denying preliminary relief, the Court finds that Plaintiffs have failed to make the clear showing required for this extraordinary remedy. Accordingly, Plaintiffs' motion is denied without prejudice.

III.

Defendants ask us to stay, defer, or abstain from this action because of parallel state litigation. They argue that the state case presents substantially similar claims as the instant case, and that the plaintiffs should not be permitted a "second bite at the apple" by litigating in federal court. Defendants' primary argument for a stay or deferral derives from *Scott v. Germano*, 381 U.S. 407 (1965), and *Growe v. Emison*, 507 U.S. 25, 34 (1993). They also seek abstention under *Younger v. Harris*, 401 U.S. 37 (1971), or *Colorado River Water Conservation Dist. v. United States*, 424 U.S. 800 (1976).

Ordinarily, federal courts, when possessed of jurisdiction, should not refrain from exercising that jurisdiction. See *Sprint Communications v. Jacobs*, 134 S. Ct. 584, 590-91 (2013). However, in *Germano*, the Supreme Court observed that "the power of the judiciary of a state to require valid reapportionment or to formulate a valid redistricting plan has not only been recognized by this Court but appropriate action by the states in such cases has been specifically encouraged." 381 U.S. at 409. In *Growe*, the Court reiterated that "[a]bsent evidence that these state branches will fail timely to perform that duty, a federal court must neither affirmatively obstruct state reapportionment nor permit federal litigation to be used to impede it." 507 U.S. at 34; see also *Chapman v. Meier*, 420 U.S. 1, 27 (1975) ("We say once again what has been said on many occasions: reapportionment is primarily the duty and responsibility of the State through its legislature or other body, rather than of a federal court.").

In light of the Supreme Court's pronouncements on this subject, we acknowledge that stays or deferrals of

federal litigation are often appropriate when the state – through either its legislature or its judiciary – is contemporaneously engaged in the process of redrawing its congressional map. However, it is not entirely clear that *Growe* requires us to defer to a pending state court case that is merely *reviewing* the validity of a current map, as opposed to actually *redrawing* a map that has already been deemed invalid. *See Growe*, 507 U.S. at 27-32 (reversing the district court's decision to enjoin a state court engaged in the process of redrawing the state's map). *But see Rice v. Smith*, 988 F. Supp. 1437, 1438 (M.D. Ala. 1997) (dismissing federal case where review of a challenge to a state map was pending before the state's highest court). In any event, we need not decide this question today because we are not convinced that the North Carolina Supreme Court will issue a decision in the state litigation in a timely manner. *See Growe*, 507 U.S. at 34 (noting deferral is not required when the state fails to undertake its redistricting duty in a timely fashion). Given this concern, we are not constrained to stay our hand under *Growe*, and we decline to exercise our discretion to do so. Accordingly, we will deny the motion without prejudice.

Defendants' alternative arguments for abstention under *Younger*, which ordinarily only applies in the criminal context, and under *Colorado River*, which requires exceptional circumstances, have been considered and are deemed meritless. We therefore will deny Defendants' motion on those grounds as well.

IV.

For the aforementioned reasons, it is therefore ordered that Plaintiffs' Motion for Preliminary Injunction (Doc. 18) is DENIED WITHOUT PREJUDICE and that Defendants' Motion to Stay,

Defer, or Abstain (Doc. 43) is DENIED WITHOUT PREJUDICE.

This the 22nd day of May, 2014.

For the Court

/s/ William L. Osteen, Jr.

Chief United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

NO. 1:13-CV-00949

DAVID HARRIS; CHRISTINE BOWSER; and SAMUEL LOVE,

Plaintiffs,

v.

PATRICK MCCRORY, in his capacity as Governor of North Carolina; NORTH CAROLINA STATE BOARD OF ELECTIONS; and JOSHUA HOWARD, in his capacity as Chairman of the North Carolina State Board of Elections,

Defendants.

PLAINTIFFS' AND DEFENDANTS' JOINT NOTICE OF FILING OF STATE-COURT RECORD IN *DICKSON V. RUCHO*

Pursuant to the Court's May 7, 2015 Scheduling Order (ECF Doc. No. 91), the parties hereby give notice of their filing of a copy of the state-court record in *Dickson, et al. v. Rucho, et al*, No. 201PA12-2 (N.C. Supreme Court) ("*Dickson*"), which is attached hereto.

The *Dickson* Plaintiffs' and Defendants' respective proposed findings of fact and conclusions of law appear in the Record on Appeal at the following pages:

- For Plaintiffs, at pp. 1032 to 1164; and

- For Defendants, at pp. 1165 to 1256.

A disc containing the foregoing materials (as well as the N.C. R. App. Pro. 9(d) Exhibits and materials filed with the North Carolina Supreme Court in native format) is being transmitted to the Court via Federal Express.

Respectfully submitted, this the 1st day of July, 2015.

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Co-counsel for Defendants North Carolina State Board of Elections and Joshua Howard, in his capacity as Chairman of the North Carolina State Board of Elections

CERTIFICATE OF SERVICE

I hereby certify that on this date I served a copy of the foregoing PLAINTIFFS' AND DEFENDANTS' JOINT NOTICE OF FILING OF STATE-COURT RECORD to be made by electronic filing with the Clerk of the Court using the CM/ECF System, which will send a Notice of Electronic Filing to all parties with an e-mail address of record, who have appeared and consent to electronic service in this action.

This the 1st day of July, 2015.

/s/ Edwin M. Speas, Jr.
Edwin M. Speas, Jr.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF
NORTH CAROLINA DURHAM DIVISION

Civil Action No. 1:13-CV-00949

DAVID HARRIS AND CHRISTINE BOWSER,
Plaintiffs,

v.

PATRICK MCCRORY, IN HIS CAPACITY AS GOVERNOR OF NORTH CAROLINA, NORTH CAROLINA STATE BOARD OF ELECTIONS, AND JOSHUA HOWARD, IN HIS CAPACITY AS CHAIRMAN OF THE NORTH CAROLINA STATE BOARD OF ELECTIONS,
Defendants.

DEFENDANTS' RULE 26(a)(3)(A) PRETRIAL DISCLOSURES

Defendants, under Fed. R. Civ. P. 26(a)(3)(A), provide the following pretrial disclosures for the trial set to begin on October 13, 2015:

I. WITNESSES DEFENDANTS EXPECT TO PRESENT OR MAY PRESENT AT TRIAL

Under Fed. R. Civ. P. 26(a)(3)(A)(i), Defendants expect to present the following witnesses at trial:

- Dr. Thomas B. Hofeller
  c/o Ogletree Deakins
  4208 Six Forks Road Suite 1100
  Raleigh, NC 27609

Under Fed. R. Civ. P. 26(a)(3)(A)(i), Defendants may call the following witnesses at trial if the need arises:

- Representative David Lewis
  N.C. House of Representatives
  16 W. Jones Street, Room 2301
  Raleigh, NC 27601-1096

- Senator Bob Rucho
  N.C. Senate
  300 N. Salisbury Street, Room 300-A
  Raleigh, NC 27603-5925

- Former Representative Ruth Samuelson
  1432 Ferncliff Road
  Charlotte, NC 28211

- Erika Churchill
  N.C. General Assembly
  Research Division
  Suite 545, 300 North Salisbury Street
  Raleigh, NC 27603

- Dan Frey
  Analyst
  N.C. General Assembly
  300 N Salisbury St
  Raleigh, NC 27603
- Brent Woodcox
  Counsel
  N.C. General Assembly 300 North Salisbury Street Raleigh, NC 27603
- Rev. Dr. William Barber, II
  N.C. State Conference of the NAACP
  P.O. Box 335
  Durham, NC 27702

- David Harris
  609 Saddle Ridge Avenue
  Durham, NC 27704
- Christine Bowser
  3028 Depaul Court
  Charlotte, NC 28216
- Kim Strach
  Executive Director
  N.C. State Board of Elections
  441 North Harrington Street
  Raleigh, NC 27603

Defendants reserve the right to present other witnesses depending upon the evidence offered by Plaintiffs at the trial, including witnesses to impeach or rebut any witness's testimony or evidence.

II. WITNESSES WHO DEFENDANTS EXPECT TO PRESENT BY DEPOSITION

Under Fed. R. Civ. P. 26(a)(3)(A)(ii), Defendants submit the following designations of the deposition testimony taken during discovery in the above-captioned matter.

Defendants designate the following portions of Christine Bowser's deposition, taken on April 9, 2014:[1]

Page 21, Line 16 through Page 22, Line 4

Page 22, Line 17 through Page 23, Line 24

Page 30, Line 2 through Page 31, Line 24

Page 35, Lines 1 through 14

Page 39, Line 5 through Page 41, Line 5

Page 43, Line 22 through Page 48, Line 23

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[1] The designated pages are attached as Exhibit 1.

Page 50, Line 3 through 51, Line 19

Page 61, Line 25 through Page 64, Line 21

Page 66, Line 18 through Page 67, Line 24

Defendants designate the following portions of David Harris's deposition, taken on April 15, 2014:[2]

Page 15, Line 9 through Page 16, Line 15

Page 44, Line 1 through Page 48, Line 16

Page 50, Line 19 through Page 51, Line 1

Page 53, Lines 9 through 13

Page 71, Line 9 through Page 78, Line 18

Page 86, Line 6 through Page 87, Line 11

Page 94, Lines 3 through 15

Defendants designate the following portions of Rev. Dr. Barber's deposition, taken on May 12, 2014[3]

Page 16, Line 23 through Page 17, Line 25

Page 25, Line 9 through Page 26, Line 5

Page 26, Line 21 through Page 27, Line 10

Page 33, Line 21 through Page 35, Line 22

Page 43, Line 1 through Page 44, Line 22

In addition to the above-designated testimony, Defendants also designate testimony given in depositions taken in *Dickson v. Rucho*.[4] In designating

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[2] The designated pages are attached as Exhibit 2.

[3] The designated pages are attached as Exhibit 3.

[4] All references to "*Dickson v. Rucho*" or "*Dickson*" contained herein are intended to refer to the consolidated civil actions of *Dickson et al. v. Rucho et al.*, Civil Action No. 11-CVS-16896 and *NC NAACP v. State of North Carolina*, Civil Action No. 11-CVS-

the testimony below, Defendants do not waive and reserve the right to present or rely upon at trial any additional deposition or trial testimony given in *Dickson v. Rucho* from the witnesses whose testimony is designated below or from any other witnesses who provided testimony in *Dickson v. Rucho* that is relevant to the claims or defenses at issue in this matter.

Defendants designate the following portions of deposition testimony given on May 4, 2012 by Senator Robert Rucho in *Dickson v. Rucho*:[5]

Page 50, Line 12 through Page 51, Line 24

Page 80, Line 3 through Page 92, Line 10

Page 111, Lines 6 through 13

Page 112, Lines 11 through 18

Page 144, Line 7 through Page 145, Line 3

Page 147, Line 12 through Page 148, Line 1

Page 157, Line 21 through Page 158, Line 12

Page 160, Line 25 through Page 162, Line 18

Page 166, Line 13 through Page 167, Line 8

Page 175, Line 13 through Page 176, Line 2

Page 178, Line 11 through Page 186, Line 15

Page 189, Line 25 through Page 190, Line 11

Page 195, Line 4 through Page 196, Line 21

Page 197, Lines 1 through 13

16940, filed in Wake County Superior Court and currently pending before the North Carolina Supreme Court.

[5] The designated pages are attached as Exhibit 4.

Page 198, Line 9 through Page 199, Line 1

Defendants designate the following portions of deposition testimony given on August 1, 2012 by Gary Bartlett in *Dickson v. Rucho*:[6]

Page 20, Line 22 through Page 22, Line 25

Defendants designate the following portions of deposition testimony given on March 15, 2012 by Charlie Collicut in *Dickson v. Rucho*:[7]

Page 45, Line 13 through Page 47, Line 17

Defendants designate the following portions of deposition testimony given on March 15, 2012 by Kelly Doss in *Dickson v. Rucho*:[8]

Page 19, Line 1 through Page 20, Line 23

Defendants designate the following portions of deposition testimony given on March 27, 2012 by Cherie Poucher in *Dickson v. Rucho*:[9]

Page 39, Lines 11 through 24

Page 42, Line 15 through Page 44, Line 9

Defendants designate the following portions of deposition testimony given on May 15, 2012 by Ted Arrington in *Dickson v. Rucho*:[10]

Page 105, Line 12 through Page 106, Line 7

Page 108, Line 5 through Page 114, Line 18

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[6] The designated pages are attached as Exhibit 5.

[7] The designated pages are attached as Exhibit 6.

[8] The designated pages are attached as Exhibit 7.

[9] The designated pages are attached as Exhibit 8.

[10] The designated pages are attached as Exhibit 9.

Page 132, Line 1 through Page 135, Line 25

Page 142, Line 2 through Page 146, Line 19

Page 191, Lines 2 through 21

Page 216, Line 21 through Page 217, Line 6

II. DOCUMENTS AND EXHIBITS, INCLUDING SUMMARIES OF EVIDENCE, THAT DEFENDANTS EXPECT TO OFFER OR MAY OFFER AT TRIAL

Under Fed. R. Civ. P. 26(a)(3)(A)(iii) Defendants provide below the following list of exhibits that they expect to offer at trial. In listing these exhibits, Defendants do not waive and reserve the right to present and rely upon at trial any additional exhibits from this matter or from *Dickson v. Rucho* that may be relevant to the claims or defenses at issue in this action.

- First Affidavit of Dan Frey (January 19, 2012) including but not limited to the following exhibits:
    - Ex. 1 - Dan Frey Resume
    - Ex. 3 - Sharpsburg City Map
    - Ex. 4 - Rocky Mount City Map
    - Ex. 5 -High Point City Map
    - Ex. 6 - Split Precinct Counts 2011 enacted and proposed plans
    - Ex. 7 - VTD splits Section 5 and non-Section 5 counties
    - Ex. 10 - Comparison of 2003 Senate Districts (population deviation and percentage of Total Black Voting age population ("TBVAP")) with 2011 enacted and alternative districts

- Ex. 11- Comparison of 2003-09 House districts with 2011 enacted and alternative districts
- Ex. 12 - Comparison of 2001 Congressional districts with 2011 enacted and alternative districts

- Second Affidavit of Dan Frey (December 6, 2012) including but not limited to the following exhibits:
  - Ex. 16 - Split VTDs in 2011 Congressional and 2011 enacted and alternative plans and percentage of split VTDs involving districts with 40% or greater TBVAP
  - Ex. 27 - Split VTDs in 2001 CD 1 and 12
  - Ex. 28 - Split VTDs in 2011 CD 1 and 12
  - Ex. 29 - Split VTDs in 2011 SCSJ CD 1 and 12
  - Ex. 30 - Split VTDs in 2011 Fair and Legal CD 1 and 12
  - Ex. 31 - Population shared between 2001 CD 1 and 12 with 2011 CD 1 and 12
  - Ex. 34 - 2003 Senate Plan Districts with non-Hispanic whites VAP under 50% - election contest winners and VAP by race and ethnicity
  - Ex. 35 - Rucho Senate 2 Districts with non-Hispanic white VAP under 50%, incumbents and VAP by race and ethnicity
  - Ex. 36 - SCSJ Senate (same as 35)
  - Ex. 37 - Senate Fair and Legal (same as 35)
  - Ex. 38 - Possible Senate Districts (same as 35)
  - Ex. 39 - 2009 House Plan Districts with Non-Hispanic white VAP under 50% -

election contest winners and VAP by race and ethnicity

- Ex. 40 - Lewis Dollar Dockham 4 Districts with non-Hispanic white VAP under 50%, incumbents and VAP by race and ethnicity
- Ex. 41- SCSJ House (same as 40)
- Ex. 42 - House Fair and Legal (same as 40)
- Ex. 43 - Possible House Districts (same as 40)
- Ex. 44 - 2003 Senate Plan districts with black registration over 40% election contest winners and voter registration by race and party
- Ex. 45 - Rucho Senate 2 – Districts with black registration over 40% incumbents and voter registration by race and party
- Ex. 46 - SCSJ Senate (same as 45)
- Ex. 47 - Senate Fair and Legal (same as 45)
- Ex. 48 - Possible Senate Districts (same as 45)
- Ex. 49 - 2009 House Plan districts with black registration over 40% election contest winners and voter registration by race and party
- Ex. 50 - Lewis Dollar Dockham 4 districts with black registration over 40% incumbents and registration by party and race
- Ex. 51 - SCSJ House Districts (same as 50)
- Ex. 52 - Fair and Legal House Districts (same as 50)
- Ex. 53 - Possible House Districts (same as 50)
- Ex. 60 - 2001 Congressional Plan – Districts with non-Hispanic white VAP

under 50%, election winners and VAP by race and ethnicity

- Ex. 61 - Rucho-Lewis Congress 3 – Districts with non-Hispanic white VAP under 50%, incumbent and VAP by race and ethnicity
- Ex. 62 - SCSJ Congress (same as 61)
- Ex. 63 - Congress Fair and Legal (same as 61)
- Ex. 64 - 2001 Congressional districts with black voter registration over 40%
- Ex. 65 - Rucho Lewis Congress 3 – districts with black voter registration over 40%
- Ex. 66 - SCSJ Congress (same as 65)
- Ex. 67 - Fair and Legal Congress (same as 65)

- Third Affidavit of Dan Frey (February 19, 2013) including but not limited to the following exhibits:
  - Ex. 79 - Maptitude User Guide Compactness Test
  - Ex. 80 - Congress Zero Deviation Compactness Scores
  - Ex. 81 - Rucho-Lewis 1 Compactness Scores
  - Ex. 82 - Rucho-Lewis 3 Compactness Scores
  - Ex. 83 - Shared Population 2001 Congressional Plan and 2011 Rucho-Lewis 1
  - Ex. 84 - 1991 Congressional Plan and Maps
- Fourth Affidavit of Dan Frey (January 17, 2014) including but not limited to the following exhibits:
  - Ex. 1 - 1992 Congressional House Plan 10 (1990 Census)

- Ex. 2 - 97 House/Senate Plan A (1990 Census)
- Ex. 3 - 98 Congressional Plan A (1990 Census)
- Ex. 4 - 2001 Congress Zero Deviation (2000 Census)
- Ex. 5 - 2001 Congress Zero Deviation (2010 Census)
- Ex. 6 - 2011 SCSJ Congress (2010 Census)
- Ex. 7 - 2011 Rucho-Lewis Congress 1 (2010 Census)
- Ex. 8 - 2011 Rucho-Lewis Congress 2 (2010 Census)
- Ex. 9 - Rucho-Lewis Congress 2A (2010 Census)
- Ex. 10 - Congressional Fair and Legal (2010 Census)
- Ex. 11- Rucho-Lewis Congress 3 (2010 Census)

• Affidavit of Senator Robert Rucho (January 19, 2012) including but not limited to the following exhibits:

- Ex. 1 - Timeline of 2011 Public Hearings
- Ex. 2 - Timeline of 2001 Public Hearings, 2002 Public Hearings, 2003 Public Hearing
- Ex. 3 - 3/24/11 letter from Chairmen Rucho and Lewis to members of the General Assembly
- Ex. 4 - 3/31/11 letter to minority group contacts
- Ex. 5 - 4/5/11 letter to Legislative Black Caucus
- Ex. 6 - Excerpt from transcript of Public Hearing on 5/9/2011

- Ex. 7 - 5/9/11 letter from Anita Earls, SCSJ/NAACP (*Dickson* Ex. 235)
- Ex. 8 - Polarization study by SCSJ/NAACP expert Dr. Ray Block, Jr.
- Ex. 9 - Voting Rights in North Carolina 1982-2006 (Earls, Wynne, Quatrucci)
- Ex. 10 - 6/14/11 polarization study by Dr. Thomas Brunell
- Ex. 11 - Public Statement by Sen. Rucho and Rep. Lewis (*Dickson* Ex. 55).

- Affidavit of Representative David Lewis (January 19, 2012) filed in *Dickson v. Rucho* (*Dickson* Ex. 192).
- NC NAACP Plaintiffs' Responses to First Request for Production of Documents (excerpted) (filed in *Dickson v. Rucho*) (filed in this matter as D.E. 32-2).
- Laura Leslie, *Butterfield disputes chairs' statement*, WRAL.com (July 5, 2011), http//www.wral.com/news/state/nccapitol/blogpost/9819836/?d_comment_order=forward (filed in this matter as D.E. 32-3).
- Steven Gerontakis – July 7, 2011 testimony at public hearing on redistricting, including exhibits and proposed map drawing CD 1 into Durham County (filed in this matter as D.E. 32-5).
- David Lewis statement to the House Committee on Redistricting on July 27, 2011 (filed in this matter as D.E. 32-6).
- *Dickson v. Rucho*, June 5, 2013, Trial Transcript ("TT") testimony of Ruth

Samuelson (excerpted) and Robert Rucho (excerpted) (filed in this matter as D.E. 33-1)

- First and Second Affidavits of Gary Bartlett (filed in this matter as D.E. 33-3 and 33-4)
- Legislator's Guide to Redistricting (*Dickson* Ex. 46)
- May 17, 2011 Letter from Senator Rucho and Rep. Lewis regarding redistricting criteria and legal issues
- May 27, 2011 Letter from Michael Crowell and Bob Joyce at UNC School of Government (*Dickson* Ex. 57)
- Redistricting History (*Dickson* Ex. 56)
- USDOJ objection letter to whole precinct statute (Ex. 238 to Arrington Deposition in *Dickson v. Rucho*)
- June 21, 2011 memo from Gerry Cohen Regarding *Cromartie* Court's finding that First District was compact (*Dickson* Ex. 212)
- July 22, 2011 Letter from G.K. Butterfield (Ex. 217 in *Dickson v. Rucho*)
- 3/11/15 Report of Dr. Stephen Ansolabehere in *Bethune-Hill v. Va. State Bd.*
- 4/24/15 Report by Dr. Stephen Ansolabehere in *Bethune-Hill v. Va. State Bd.*
- Map notebook of 2003 Senate Plan, 2009 House Plan, 2001 Congressional Plan, and 2011 enacted plans, and all 2011 alternative Senate, House, and Congressional maps provided to three-judge panel in *Dickson v. Rucho*

- June 13, 2013 letter from Tom Farr to three-judge panel in *Dickson v. Rucho* and attached charts by Dan Frey
- Deposition of Stephen Ansolabehere and All Exhibits
- Transcript of First Deposition of Thomas Hofeller (taken on May 6, 2014) including but not limited to the following exhibits:
  - Ex. 8 - Hofeller Rebuttal Expert Report (January 17, 2014)
  - Ex. 9 - Ansolabehere Expert Report (December 23, 2013)
  - Ex. 10 - Ansolabehere Response to Hofeller Rebuttal Report (January 29, 2014)
  - Ex. 11 - Statement by Rucho & Lewis re: Proposed 2001 Congressional Plan
  - Ex. 12 - Joint Statement of Rucho & Lewis re: release of Rucho¬Lewis Congress 2; No. 13 N.C. Congressional Districts (map reported the amount the 2001 district was over/under ideal population for 2011 purposes);
  - Ex. 13 - North Carolina Congressional Districts: Deviation from Ideal Population using 2010 Census Population Counts
  - Ex. 14 - Rucho-Lewis District 12 Maps (Congress 1, 2, 2A, and 3)
  - Ex. 15 - Stat. Pack Report of VAP by Race & Ethnicity (Ruch-Lewis Congress 1 and 3);
  - Ex. 16 - Statistics From N.C. General Assembly website regarding 2001 Congress Zero Deviation map
- Transcript of Second Deposition of Thomas Hofeller (taken on September 9, 2015)

including but not limited to the following exhibits:

- Ex. 1 - Second Expert Report
- Ex. 2 - Maps of Congressional District 12 under Rucho-Lewis Congress 3 Plan
- Ex. 3 - Maps of Congressional District 1 under Rucho-Lewis Congress 3 Plan

Under Fed. R. Civ. P. 26(a)(3)(A)(iii), Defendants provide the following list of exhibits that they may offer at trial:

- Documents and materials filed with the Court as Exhibits to Defendants' Response in Opposition to Plaintiffs' Motion for a Preliminary Injunction not individually listed above. (D.E. 30 through 32).
- Documents and materials listed in the Stipulation Regarding Record in *Dickson v. Rucho*, Civil Action No. 11-CVS-16896 and *NAACP v. State*, Civil Action No. 11-CVS-16940 filed by the parties in this action on May 5, 2014 not individually listed above. (D.E. 61 and 61-1).
- Documents and materials filed with the Court as Exhibits to Defendants' Motion for Summary Judgment not individually listed above. (D.E. 68).
- Documents and materials listed and attached to the parties' Joint Notice of Filing of State-Court Record in *Dickson v. Rucho* not individually listed above. (D.E. 95 through 100).

- Congressman Melvin L. Watt letter dated July 8, 2011 (filed in this matter as D.E. 32-4).
- *Dickson v. Rucho* Plaintiffs' Trial Ex. 30 (Statement of Congressman Melvin C. Watt)
- *Dickson v. Rucho* Plaintiffs' Trial Ex. 32 (Transcript of Proceedings on July 7, 2011)
- *Dickson v. Rucho* Plaintiffs' Trial Ex. D-5 (Transcript of Proceedings on July 25, 2011)
- Trial Transcript of *Dickson v. Rucho* (June 4-5, 2013), including but not limited to trial testimony of Melvin Watt given on June 4, 2013, pp. 200-11, 215-21 and Testimony of Dr. Thomas Hofeller given on June 5, 2011, pp. 233-95.
- May 5, 2014 email from Perkins Coie disclosing the National Democratic Voting Rights Trust as the entity responsible for the payment of Plaintiffs' fees and costs in this action.
- Transcript of Deposition of Christine Bowser and Exhibits:
    - Ex. 1 - Notice of Deposition;
    - Ex. 2 -Complaint;
    - Ex. 3 - "2012 State House Districts"
    - Ex. 4 - Plaintiff Christine Bowser's Discovery Responses
- Transcript of Deposition of David Harris and Exhibits:
    - Ex. 5 - Complaint
    - Ex. 6 - Plaintiff David Harris's Discovery Responses

- Ex. 7 - NAACP Membership Form

- Transcript of Deposition of Rev. Dr. William Barber, II and Exhibits:
  - Ex. 17 - Rule 30(b)(6) Subpoena to N.C. State Conference of the NAACP;
  - Ex. 18 - "Become a Member" form
  - Ex. 19 - "Become a Member of Your Local NAACP Unit" form
  - Ex. 20 - NAACP Membership Form
  - Ex. 21 - Notes produced by Rev. Williams Barber during deposition

- All transcripts of public hearings regarding redistricting conducted in 2011

- All transcripts of committee proceedings and floor debates regarding redistricting conducted in July 2011

- Transcript of the Deposition of Rev. Dr. William Barber II in Dickson v. Rucho and All Exhibits

Defendants reserve the right to present other documents and/or exhibits, including but not limited to exhibits and materials or deposition and trial testimony given in Dickson v. Rucho as provided in the parties' stipulation of May 5, 2014 (D.E. 61), depending upon the evidence offered by Plaintiffs at trial, including exhibits to impeach or rebut any witness's testimony or evidence.

This 14th day of September, 2015.

NORTH CAROLINA DEPARTMENT OF JUSTICE

By: /s/ Alexander McC. Peters

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/s/ Thomas A Farr

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CERTIFICATE OF SERVICE

I, Thomas A Farr, hereby certify that I have this day electronically filed the foregoing Defendants' Rule 26(a)(3)(A) Pretrial Disclosures with the Clerk of Court using the CM/ECF system which will provide electronic notification of the same to the following:

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Local Rule 83.1 Attorney for Plaintiffs

This the 14th day of September, 2015.

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Co-Counsel for Defendants North Carolina State Board of Elections and Joshua Howard, in his capacity as Chairman of the North Carolina State Board of Elections

EXHIBIT 1

[1] IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH
CAROLINA DURHAM DIVISION

Civil Action No. 1:13-CV-00949

DAVID HARRIS and CHRISTINE BOWSER,
Plaintiffs,

v.

PATRICK MCCRORY, in his capacity as Governor of North Carolina, NORTH CAROLINA STATE BOARD OF ELECTIONS, and JOSHUA HOWARD, in his capacity as Chairman of the North Carolina State Board of Elections,
Defendants.

DEPOSITION OF CHRISTINE BOWER

(Taken by Co-Counsel for Defendants North Carolina State Board of Elections and Joshua Howard, in his capacity as Chairman of the North Carolina State Board of Elections)

Charlotte, North Carolina

April 9, 2014

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[2] APPEARANCES

For the Plaintiffs:

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Raleigh, NC 27609

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michael.mcknight@ogletreedeakins.com

Also Present:

Mr. Percell Bowser

Deposition of CHRISTINE BOWSER, taken by defendants North Carolina State Board of Elections and Joshua Howard, in his capacity as Chairman of the North Carolina State Board of Elections, at Ogletree, Deakins, Nash, Smoak & Stewart, P.C., 201 S. College Street, Suite 2300, Charlotte, North Carolina, on the 9th day of April, 2014, at 12:48 p.m., before Dayna H. Lowe, Court Reporter and Notary Public.

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Exhibit 4 Discovery Responses 43

* * * *

[21] MR. McKNIGHT: Okay. Well I'm going to ask my questions.

BY MR. McKNIGHT:

Q. Do you know who your representative was before Ms. Leake?

A. I don't remember.

Q. And, Ms. Bowser, have you ever been convicted of a felony?

A. No.

Q. Have you ever been convicted of any crime involving dishonesty?

A. No.

Q. Other than the current lawsuit, have you ever been involved in any litigation before as a party?

A. No.

Q. I'm going to hand you a document here that I'm going to mark as Defendant's Exhibit No. 2. I've got a copy for your counsel, copy for your husband in case he wants to follow along.

(Exhibit No. 2 was introduced into the record.)

BY MR. McKNIGHT:

Q. Ms. Bowser, do you recognize this document?

A. No.

Q. Have you ever seen it before?

[22] A. I'm not sure.

Q. Okay. Do you want to take a minute to look through it? Have you had an opportunity to do that?

A. I don't think I've seen this.

Q. Well I'll represent to you, Ms. Bowser, that this is the Complaint filed by your attorneys in this lawsuit, and I take it if you haven't seen it before you probably didn't read it before it was filed? Did you have an opportunity to read this document before it was filed?

A. I read some of the materials but I'm not sure. I recognize the name, some of the names here, David Harris.

Q. Okay. If you will, please, ma'am, turn with me to page 5.

A. Page 5?

Q. At the bottom I think it's actually numbered. In two different places there's a 5. At the bottom of page 5 there's a header called History of Congressional District 12. Do you see that?

A. Yes.

Q. And underneath that heading there is a paragraph 24, and it states that Congressional District 12 has existed in roughly its current form since 1992, and is it your recollection that you've [23] lived in Congressional District 12 since 1992?

A. Yes.

Q. If you'll turn with me, then, to the next page, page 6. At the top of the page there's a paragraph 25, and I want to direct your attention to the second sentence that says that Representative Watt, who we discussed earlier, is African American and has been the candidate of choice among African-American voters in Congressional District 12. Do you see that?

A. Yes.

Q. Do you agree with that statement?

A. Yes.

Q. And why do you agree with that statement?

A. Because I think he has, and he hasn't had anyone to really run against him to take his position.

Q. And you mean he hasn't had anyone run against him really on the Democrat or Republican side?

A. He has.

Q. He has?

A. Yes, but they didn't – he kept his seat.

Q. So he was able to defeat any challengers?

A. Yes.

Q. Easily?

A. Easily.

Q. I want to have you turn a few more pages to

* * * *

[30] Democrats are not included.

Q. But if someone other than Mr. Watt runs in the district, do you believe it would be more likely that the district would elect a Democrat or a Republican?

A. A Democrat.

Q. Why do you believe that?

A. Because there are more Democrats in that district.

Q. Ms. Bowser, could you tell me why you decided to file this lawsuit?

A. Well after hearing Mel Watt speak and then living most of my life – well all of my life in a segregated and boundaries forming what I did, how I lived, I thought this would be a good thing to do. We fought it with the school system.

Q. And what do you mean by that?

A. Well we were segregated in the school system, and the boundary lines were very important, artificial and natural.

Q. And so was this lawsuit your idea or was it someone else's?

A. It wasn't my idea.

Q. Whose idea was it?

A. I really don't know whose idea, how the ideas came up. I know who informed me about it and asked [31] would I be interested in participating in it,

Q. And who was that?

A. Dr. Robbie Akhere.

Q. Could you spell his last name for me, please?

A. Her. A K H E R E, I think. Robbie.

Q. It's a she?

A. She's a she that's in education.

Q. Robbie is R-O-B-B-I-E?

A. Right. I believe that's true.

Q. And what was your conversation with her?

A. The gist of the conversation, that she informed me about the suit and asked me if I would be interested, and I told her I would get back with her after a couple of days thinking about it.

Q. What did she tell you the suit was about?

A. She was – she told me about the – about District 12 and -

Q. And what did she tell you about District 12?

A. What did she tell me? Well in the discussion she – we talked about Mel Watt and what he had said at a district meeting about being able to be elected if the boundaries were not as they are, and then I thought about, yeah, this is a district that segregates us from the rest of the state.

Q. How does it do that?

* * * *

[35] Q. When did your conversation with Dr. Akhere take place?

A. On the telephone.

Q. Do you remember the time frame?

A. No. Several months ago I guess.

Q. Did you know Dr. Akhere before this?

A. Yes.

Q. How did you know her?

A. I know her from various meetings, and she's now the chair of District 12, and she attends the county conventions.

Q. You're saying she's the chair of District 12 for the Democratic Party?

A. Yes.

Q. So other than Samuel Love and Dr. Akhere, is there anyone else that you can think of who you talked to about this lawsuit before it was filed?

A. No.

Q. And have you talked with anyone else about your involvement in this lawsuit at any time?

MR. SPEAS: Other than your lawyers.

A. Not other than – other than the lawyers.

BY MR. McKNIGHT:

Q. Yeah, other than the lawyers of course.

A. My husband.

* * *

[39] live. Have you ever felt that way before about the 12th Congressional District specifically?

A. Not other than that we were still in a cluster.

Q. Well, for example, then, when the district was first drawn in 1992 did you feel that you were segregated the way that district was when it was originally drawn?

A. I was not aware or concerned particular at that time. It was probably excitement of being able to have Mel elected. I didn't see the big picture.

Q. And what concern are you speaking of specifically?

A. I just said Mel being – having Mel being elected and then we didn't – I wasn't looking to see that we were isolated and maybe not included in other areas.

Q. And when did that become a concern to you?

A. Well I guess in the last five or six years or something.

Q. And what brought that issue to your attention?

A. I really don't know.

Q. So to be clear, you're saying in the last five or six years you began to feel isolated in the 12th Congressional District?

[40] MR. SPEAS: Objection to the form.

BY MR. McKNIGHT:

Q. I guess I'm trying to understand, ma'am, at what point you started having these concerns specifically, so if it was five or six years ago you're saying your concerns of this nature started around 2008, 2009, somewhere in that time frame?

A. Somewhat, but the biggest push was at the convention when Mel explained to us that he could be elected he felt without being confined to District 12.

Q. And what did you understand that to mean?

A. That he did not have to – he didn't have to – we didn't have to be in the curve shape and that he had enough support, he would get enough support from other districts, other precincts and districts, voting precincts and districts.

Q. And do you remember when the convention was that he made that statement?

A. It was the last one we had.

Q. Was that a county convention? Mecklenburg County?

A. District.

Q. Okay. A District 12 convention?

A. District 12 in Greensboro.

Q. Was that this year or last year? Do you [41] remember when it was?

A. Well it was last year.

Q. And so that's what got you thinking about the issue of the impact that the district had on you?

A. More or less. More or less.

Q. Have you ever felt that you were isolated or segregated in any other district that you've lived in?

A. I haven't lived in any other district.

Q. Well other than the congressional district that you live in. For example, have you ever felt isolated or segregated in the State House or the State Senate district in which you lived?

A. Now that I think of it, yes.

Q. Which districts did you feel that way about?

A. Well District 2, the Senate. Kelly, Vilma Leake, school board.

Q. And how long have you had those feelings?

A. I can't put a pinpoint on it, but it was easier for them to get elected because they are predominantly black neighborhoods' precincts.

MR. SPEAS: Michael, we've been going close to an hour. Christine, if you want to take a break at any point –

MR. McKNIGHT: That will be fine with me. Why don't we do that.

* * * *

MR. SPEAS: I continue my objection, but you can answer it if you understand it, Ms. Bowser.

A. I think I understand what you're saying, but as far as a time line I don't have an answer to that.

BY MR. McKNIGHT:

Q. Is it a recent thing, as in did you start feeling this way in the last year or so?

A. I just hadn't really given it a thought.

Q. Until when?

A. Until really after Mel's statement, which gave me reason to reflect on the other areas that we are in that I'm involved in and who lived there, affluent or poor, Latinas, blacks, you know.

Q. So before you heard Representative Watt speak about the congressional district at last year's Congressional District 12 convention, you hadn't thought about that you believed you were isolated or segregated in any other district in which you live?

A. I guess my thoughts before that was getting black people represented in the county, state, national, White House, whatever.

Q. Ms. Bowser, I'm going to hand you a document that's marked as Defendant's Exhibit 4.

(Exhibit No. 4 was introduced into the record.)

[44] BY MR. McKNIGHT:

Q. I want to ask you if you recognize this document once you've had a chance to review it.

A. I was sent some information and I browsed through it, and I'm not sure if all of this was in it or if it wasn't.

Q. Well I'll direct your attention to the last page that says verification at the top. Is this your signature?

A. Yes, it is.

Q. And did you understand that the answers to the questions included in this document were being given under oath?

A. Yes.

Q. If you will, please, ma'am, turn with me to page 3 of the document.

A. Okay.

Q. And I want to ask you to look under the heading entitled Responses to Interrogatories, and I want to discuss with you first your answer to Interrogatory No. 1, and in general the question asked you whether you have ever been a member, been affiliated with, or supported the North Carolina conferences of the NAACP, the League of Women Voters of North Carolina, Democracy North Carolina, or the North Carolina [45] A. Philip Randolph Institute or any organization affiliated with those groups, and then parts B, C, and D go on to ask whether any of those organizations have recognized you as member, the dates of your membership or your affiliation, amount and date of dues or contributions you made to any of those organizations, and so you've answered all of these questions in a single response here.

The first paragraph, which is on page 4, contains some objections to the question, but the second paragraph is the one that I want to ask you some questions about. In the second paragraph you state here that you have been a member of the local NAACP organization on and off since the 1960s. Is that correct?

A. Somewhat, yes.

Q. And what do you mean specifically by the local NAACP organization?

A. I pay membership or give member contributions. I haven't – I don't think I attended maybe one or two meetings over those years. In other

words I wasn't an active member. I supported the cause.

Q. Well I want to ask you about that in a minute, but before we get into that could you help me understand how the NAACP organization works? In other words how is [46] it broken down? There's a national group and a state group and then there are local chapters? Is that correct?

A. That's true.

Q. And starting at the bottom, at the ground level, what do you consider to be the local NAACP organization?

A. People located in Mecklenburg County.

Q. And is that called a branch?

A. I would think so. I guess.

Q. Is there just one NAACP organization in Mecklenburg County?

A. I wouldn't know.

Q. Which one are you a member of?

A. You know, I really – it's the NAACP. I don't know if there are one or two, but I just paid dues to – contributed to the one here in Charlotte.

Q. Do you know if you're a member of the local organization whether you're also a member of the state organization and the national organization?

A. Just paying. Just maybe paying or making contributions, but not attending. Not attending their meetings. I haven't attended any of their meetings, just more or less paying a membership or giving a contribution, but not being actively involved.

[47] Q. Well who did you send your contribution to?

A. I may have a card in my wallet somewhere. I don't know.

Q. Well do you know if you sent it to someone here in Charlotte or did you send it to someone in Raleigh or Durham or did you send it to someone somewhere else like in Washington, D.C.?

A. If it were local I would send it to someone here in Charlotte. If it were state I would have sent it to someone who came from the state, and then the national would come from the national, but who that person was personally, I don't know.

Q. Do you know whether if you join the local chapter of the NAACP whether you're a member of the state chapter by virtue of the fact that you joined the local chapter?

A. No, I don't think so. They are separate.

Q. Do you know anything about how the state chapter of the NAACP works? I know that the name is the North Carolina Conferences of Branches of the NAACP.

A. No. As I say, I haven't been actively involved and I wouldn't know how the structure or what goes on.

Q. But you do believe that you are a member of the Charlotte or Mecklenburg County branch of the NAACP?

[48] A. I have paid dues. I've given them contributions but -

Q. When was the last time you paid dues?

A. I don't know. Maybe last year, because this year just started.

Q. So you believe you were a member of the Mecklenburg Branch of the NAACP last year?

A. Could have been.

Q. And how about in 2012?

A. Could have been.

Q. 2011?

A. Yeah.

Q. '10?

A. Could have been.

Q. But you don't know either way?

A. No. I could get a record and ask them if you need me to.

Q. And who would you ask?

A. What is his name? I will find out who it was. I know some members and I could find out.

Q. And you said you last made a donation of approximately $200 to the NAACP in 2013?

A. National, yes. '12 or '13.

Q. And why did you decide to make that donation?

A. Because I believe in the cause, what they are

* * * *

[50] the years, which would take a little time to do that. Bank statements.

Q. I think the next group you discussed in this second paragraph under Interrogatory No. 1 is that you said that over approximately the last ten years, so

I assume that's going back to around 2004, you made donations of approximately $50 per year to the League of Women Voters in North Carolina. Is that correct?

A. Yeah, somewhere in that amount. Maybe less. Not more I don't think.

Q. But you believe that you made contributions t the League of Women Voters of North Carolina for least the past ten years?

A. On and off, yes.

Q. And why did you make those contributions?

A. Because I believed in what they were doing.

Q. Were those contributions intended to be a membership fee or do you know?

A. No. Maybe just a donation or involvement, support.

Q. Do you know if you were made a member by virtue of the fact that you made those contributions?

A. I was not made aware of meetings and locations.

Q. And what does the League of Women Voters do?

[51] A. They're nonpartisan and they get out information about voting and things of that nature.

Q. And what about their mission made you want to contribute to them?

A. Informing people about their rights and voting materials.

Q. Then in the last sentence, which is on page 5 of these discovery responses, you say for the last five years you have been a member of Democracy NC and made periodic donations of approximately 20 or $30 each. Is that correct?

A. Yes.

Q. And you believe you have been a member of Democracy North Carolina since around 2009 at least?

A. I've been – I've gotten interested and was involved in their activities and maybe attended one meeting, and this more or less started when Obama was running. Democracy of North Carolina was very active with that.

Q. What did they do with respect to President Obama?

A. They got out information about voting and informing people their rights to vote and encouraged people to become members of – I mean to be – to register to vote.

* * * *

[61] Douglas Wilson has a position with the state, and he's local so I know him.

And Gary Newman, I know him from the Democratic Party. He was a treasurer or something like that. I know him and his mother.

Robert Dawkins, I have conversations with him. I went to a workshop with him. Seen him a lot. He knows me very well.

Q. What kind of workshop was that?

A. Democracy North Carolina.

Q. And do you remember when that workshop was?

A. About in February or the last of January. Recent.

Q. This year? 2014?

A. Yes. Yes. Sam Love is a member of the Democratic Party. We attend meetings together. He's a precinct chair. Have been to conventions with him.

Q. And do you know any of these other individuals other than Robert Dawkins through your involvement with Democracy North Carolina?

A. He's the main person.

Q. Is there anybody else?

A. Not that I – I don't really know their names. I see them at the meetings.

Q. I want to direct your attention, then, to [62] Interrogatory No. 6, which is on page 8, and it asks you to describe your responsibility, if any, for the payment of any attorneys' fees or costs incurred by your counsel or any attorneys' fees that might be awarded against you by the court in this lawsuit. It says if you are not responsible for such fees or costs, identify the person or persons who are responsible for these fees and costs by stating the name and address for any such person or persons.

A. I don't have that information.

Q. Okay. So –

A. I'm not responsible.

Q. Okay. And I want to explore that in a minute, but I want to look at your answer to this particular interrogatory, and it's on page 9. Again the first paragraph contains objections, and the second paragraph says that none of the Dickson Plaintiffs has any responsibility for paying fees or costs in this matter. What did you mean by that?

A. I said that?

Q. That's what you wrote in this response and that's what you signed. You said none of the Dickson Plaintiffs has any responsibility for paying fees or costs in this matter. Do you see what I'm talking about?

[63] A. Yeah, but if that is true and I signed it, I was told that we would not be responsible for the fees.

Q. I believe, ma'am, this is talking about the Dickson Plaintiffs, meaning the plaintiffs in the state court lawsuits that are now pending before the Supreme Court. Do you have – were you making a statement about whether the plaintiffs in the Dickson case were responsible for paying their attorneys' fees or costs?

A. I probably signed this but I didn't – I didn't have that information other than that I was not responsible for it, and where the fees would come from I don't know.

Q. So you don't know anything about whether the plaintiffs in the Dickson litigation are responsible for paying their fees or costs?

A. No, I don't.

Q. And is what you meant to say here that you don't have any responsibility –

A. I don't have a responsibility.

Q. Okay. And who has told you that?

A. The person I was talking with, and I don't have his name right here.

MR. SPEAS: This would be an attorney-client privilege relationship. I'm going to instruct her not to answer your questions.

[64] BY MR. McKNIGHT:

Q. So the person who told you that you weren't responsible was an attorney?

A. I assume so or someone from the firm. If I might make a statement?

Q. Yes, ma'am.

A. I mean, it's nowhere possible anyone would think that I would have the funds to take care of a lawsuit where they pay to some of them 200 and $900 an hour, so if that's what you're getting to and if I misled you –

Q. No, ma'am. I'm just trying to understand the answer to the question – to this particular interrogatory, but I understand your answer and your answer is that you are not responsible for paying the fees and costs.

A. That's what you can –

Q. But you do not know who is responsible for paying those fees and costs?

A. I do not. I do not know where they're getting their funds from.

Q. I believe we've already spoken about Interrogatory No. 7. You were asked to explain how you came to be a plaintiff in the lawsuit. Other than what we've already spoken about earlier, is there anything

* * * *

[66] because I really don't have that information.

Q. Well I'm asking you if anyone –

MR. SPEAS: You can answer the question to the extent – he's asking you if anybody other than lawyers at Perkins Coie or lawyers at Poyner Spruill talked to you about the firm that would represent you. If somebody else did, you can answer.

A. No. No. I could say no.

BY MR. McKNIGHT:

Q. So no one other than an attorney with one of those two firms –

A. I would think not. It's a possibility, but I would think not.

Q. Why do you say there's a possibility?

A. Because I didn't review the information before coming that I received and would be aware of the names that were there but -

Q. And the next section here says responses to requests for production.

A. What page?

Q. It's on page 11. I'm sorry. Page 11, Request for Production No. 1, and it asks you to produce copies of any letters, contracts, or other documents that explain who was responsible for the payment of legal fees and costs in this litigation or contracts, letters, [67] or other documents that state whether you are responsible or not responsible for these fees and costs. Do you see that question?

A. Yes.

Q. And your response was an objection on the basis of attorney-client privilege, and there's also an objection on the basis that it's not calculated to lead to discovery of admissible evidence. Do you have any

documents that would be responsive to this document request?

A. I don't think so.

Q. So you don't have any document that explains to you who was responsible for the payment of legal fees?

A. As I said, I didn't review the information, so I couldn't give you a clear answer to that.

Q. And you don't know whether you have a letter or not that tells you that you are not responsible for paying the fees in this matter?

A. I don't know but I – I'm assured – I can assure you that I was told that I would not be responsible. That's the only reason I put my name on it, because I didn't have the money and I didn't know you to get it from them.

MR. McKNIGHT: I understand. Why don't we

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EXHIBIT 2

[1] IN THE UNITED STATES DISTRICT COURT
OF THE MIDDLE DISTRICT OF NORTH
CAROLINA DURHAM DIVISION

Civil Action No. 1:13-CV-00949

DAVID HARRIS and CHRISTINE BOWSER,
Plaintiffs,

v.

PATRICK MCCRORY, in his capacity as Governor of North Carolina, NORTH CAROLINA STATE BOARD OF ELECTIONS, and JOSHUA HOWARD, in his

capacity as Chairman of the North Carolina State Board of Elections,

Defendants.

DEPOSITION OF DAVID HARRIS

APPEARANCES

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Alexander McC. Peters, appearing
Senior Deputy Attorney General.

At Raleigh, North Carolina.

Tuesday, April 15, 2014.

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* * *

[15] Complaint in this lawsuit. And I believe we're up to Exhibit 5.

MR. MCKNIGHT: I think we should probably sequentially number them. I think that's what the local rules require. I believe 5 is correct. And this exhibit is actually already in the record.

But we'll number it again here.

(Defendants' Exhibit 5, Marked for Identification.)

Q. (Mr. McKnight) I'll hand a copy to your attorney. And so, I want to give you a moment to look through that document. And then I want to ask you some questions about it.

So, please, let me know when you've had a moment to look through it and when you're ready for some questions.

A. (Peruses Exhibit 5.) Okay. It's the same document I have here.

Q. And so, you recognize this document as the Complaint that was filed on your behalf in this lawsuit?

A. Yes, sir.

Q. And before today have you ever read this document?

[16] A. This one?

Q. The Complaint, yes.

A. Yes, I have.

Q. Okay. And when did you read that?

A. It was emailed to me some time ago. And at the point that I knew I had to do a deposition, I looked back through my emails and printed it out and read it.

Q. Do you know if you reviewed it before it was filed?

A. Before it was filed?

Q. Before the – before the Complaint was filed. And it – it says it was filed on October 24th of 2013 at the – at the bottom.

A. No, sir, I hadn't seen it before then.

Q. Okay. If you will, please, sir, turn with me to page 3 of the Complaint where it discusses the history of Congressional District I. Do you see that?

A. Yes, sir.

Q. And then I want to ask you to review paragraph 16 for me. And – and I want to ask you some questions about it after you've reviewed it.

A. (Witness peruses document.) Okay, I've

* * * *

[44] MR. MCKNIGHT: And I believe this has already been numbered in the record. But well go ahead and number it again as Exhibit 6.

(Defendants' Exhibit 6, Marked for Identification.)

Q. (Mr. McKnight) I'll hand a copy to you and your counsel. And I want you to look through it and ask me – or rather tell me if you recognize it. And – and let me know when you're ready for some questions.

A. (Peruses Exhibit 6.) Yes.

Q. And is this a copy of one of the two documents we discussed when we started today's deposition?

A. Yes, sir.

Q. And you recognize this. as – as – as copies of your responses to the first set of interrogatories and first set of request for production of documents that were served on you by the Defendants in this case?

A. Yes.

Q. And will you turn with me to the last page of this document? And I believe it's numbered as – it's got the number 14 at the bottom, and it's says "Verification" at the [45] top. Do you see that?

A. Yes, sir.

Q. And did you understand in signing this, that your response to the questions in these discovery responses were given under oath?

A. Yes, sir.

Q. And I want to ask you to turn with me then to page 3. Under the heading it says "Responses to Interrogatories."

A. Yes, sir.

Q. And I want you to read interrogatory number 1. And then on the following page, page 4 and 5, it has your response to that interrogatory.

After you have had a chance to review that interrogatory and your response, please let me know when you're ready for some questions about your response.

A. Okay, I'm ready.

Q. Okay. In – in your response to interrogatory number 1, you state that for several years you have been and are currently a member of the NAACP organization, and you pay approximately $33 in annual dues, is that correct?

[46] A. That is correct, but they left out National NAACP. Your question has brought reference to the State NAACP. The – and it's actually $30.

I looked back – and the renewal is due now. It's $30 to the National to be part of the – a member of the National NAACP.

Q. And do you know whether as a member of the National NAACP, if you're also a member of the State NAACP?

A. I do not know.

Q. So, it's – it's possible you could also be a member of the State NAACP, or you – you don't know either way?

A. I don't know either way.

MR. MCKNIGHT: And: Glenda, what number are we up to now? Is it 7?

COURT REPORTER: Seven.

Q. (Mr. McKnight) I'm going to hand you a document, and I'm going to mark it Exhibit 7.

(Defendants' Exhibit 7, Marked for Identification.)

Q. (Mr. McKnight) And I'm going to ask you if you recognize that document?

A. Yeah, this is the – the membership that [47] I pay for the – wait a minute – the NAACP. And my assumption is this is the National NAACP.

Q. Do you recall filling out this specific membership form?

A. Yes.

Q. And how recently did you do that?

A. Actually, you do it every year. Actually, no, you don't. I tried to find my membership card to see when we actually joined. I don't remember the year that we did – my wife and I joined.

Q. Do you believe you were a member in 2010?

A. Yes, 2010 I think I was a member. That may have been the first year. Or 2009 may have been the first year we joined.

Q. And do you think that you – you fill out a membership application like this one in Exhibit 7 and pay dues every year since then, or – or do you remember?

A. Actually, you just renew after that. And currently, right now we – we have a renewal notice at

home now. It came. I really – I do remember filling it out.

I don't remember the year that we did it. And this – because we sent it to Baltimore, my [48] assumption is that it was the National NAACP and not the local or state NAACP.

Q. Okay. Is there any other reason why you think it was the National NAACP and – and not the state NAACP?

A. No, no, not – not other than just where we sent it to.

Q. And do you remember where you – you got a copy of this membership form to fill out?

A. Our Durham Chapter of the NAACP have an annual founders' day fundraiser that we attend. And I got it at that that night at that founders' day.

Q. Now, the Durham Chapter, is that part of the state NAACP organization?

A. Yes.

Q. And – and do you understand the – that the state – the name of the state NAACP organization to be the North Carolina Conference of Branches of the NAACP? Does that sound correct?

A. I have never heard it that way.

Q. Okay. And what – what – what do you believe that the – the state – or how – how do you refer –

* * * *

Street. It was held down at Reverend Barber's church in Goldsboro.

And they had the affiliates or the – the – the groups that were supporting him that were supporting the 14 point agendas there.

And they were talking about how – how they were going to do that, and that was -¬that was the meeting that I attended.

Q. And when did that meeting occur?

A. It would have been 2000- – what's this? '14. It would have been either '10, '11 or – '10, '11 or '12, 'cause it was when I was president of both groups.

Q. And again, remind me what those two groups were?

A. The North Carolina Peace Action; Durham People's Alliance – three years, so it must have been '12 – '10 – but '11 or '12.

Q. Do you believe that you were a member of the NAACP in 2011?

A. Yes.

Q. Okay. How about 2012?

A. Yes.

Q. And how about 2013?

A. I'm going to say yes, because we just [51] got our renewal letter for 2014.

Q. And when do you typically renew your membership?

A. I think the renewal come out in December.

Q. And so, other than the fact that you pay your dues to an address in Baltimore, Maryland, is there any other reason why you believe that your dues are

paid only to the National NAACP organization rather than the state organization?

A. That's the only reason.

Q. And why did you decide to become a member of the NAACP?

A. I thought that the work and still think the work that they are doing is good work. It too is improving the quality of life for the people of America.

Q. And are you familiar with the activities of the – of the North Carolina chapter of the NAACP – state chapter?

A. No more than what I see on – on the CNN and news media.

Q. And what activities of the North Carolina Conference of the NAACP are you aware of recently?

A. I mean, I know they're instrumental with

* * * *

[53] A. I read it right here in this document.

Q. Okay. And when did you first become aware of that fact?

A. When I read it in this document – well, this document.

Q. And by – and the document you're referring to is the Complaint, correct?

A. Yes.

Q. And – and do you remember, again, when you first read the Complaint?

A. I think our first meeting was scheduled for – for the 10th, so it was a week prior to that, April of 2014. Just put April.

Q. So, before that, you hadn't heard on the news, for example, that there was any challenge that had been made to the districts that had been drawn by The General Assembly in 2011?

A. Yeah, I had heard that Roy Cooper – not – the GA – what's his name? The general attorney had – not general – dis –

Q. You're talking about Attorney General Roy Cooper?

A. Attorney General, right.

Q. Okay.

A. Had filed suit, yes, I had heard, but I

* * * *

[71] Q. Okay. And I mean – and you're pretty involved in – in what's going in terms of political matters and – and all that, correct?

A. Yes.

Q. And – and so, at – at none of the functions you've been to, a redi- – nothing about a redistricting lawsuit has ever come up?

A. No, not that I can remember.

Q. Now, back to this interrogatory number 6, you – you are saying that you meant to say here that you did not have any responsibilities – responsibility for paying your attorney's fees or costs in this matter, correct?

A. That's what I said.

Q. And do you know who does have responsibility for paying your attorney's fees or – or costs in this matter?

A. Yes.

Q. Who is that?

MR. O'HALE: Objection. I have to object to that on the attorney/client privilege. And I've got to instruct him not to answer for purposes of today.

MR. MCKNIGHT: And is attorney/client privilege the only grounds for the objection?

[72] MR. O'HALE: I also object on the grounds of relevance and – just a second. I'll object on the ground that – yes, that – strike the last part.

Attorney/client privilege and relevance.

Q. (Mr. McKnight) But Mr. Harris, you do know the answer to that question, correct, if your attorney would permit you to answer?

A. Yes.

Q. Okay. Mr. Harris, could you look for me at interrogatory number 7 and your response to that interrogatory? And let me know when you're ready for some questions.

A. (Peruses document.) Okay.

Q. Mr. Harris, can you tell me why you decided to file this lawsuit?

A. I was asked if I'd be willing to be the Plaintiff in this lawsuit, and I did not have any objections to being the Plaintiff.

Q. And who asked you that?

A. T.E. Austin.

Q. And is T.E. Austin a male or female?

A. Male.

Q. And who is Mr. Austin?

A. He is the immediate past chair of the [73] Fourth Congressional District before we were redistricted into District I.

Q. And do you know Mr. Austin's – you said his initials were T.E. Do you know his –

A. Tom Edward, I think it is.

Q. Tom Edward?

A. I think it's Tom Edward.

Q. And how do you spell Austin? There's lot of different ways -

A. A-u-s-t-i-n, I think.

Q. And I'm sorry. I didn't mean to interrupt you. You were saying, I think, it was Tom Edward?

A. I think it's Tom. But everybody always called him T.E., so – but he was the Fourth Congressional District Chair.

Q. But he no longer holds that position?

A. He's in District I now.

Q. And he was the Fourth Congressional District Chair for the Democratic Party?

A. Yes.

Q. And what did he tell you when he asked you to be the Plaintiff?

A. He asked me if I would be willing to be a

Plaintiff in this lawsuit.

[74] Q. Did he tell you what the lawsuit was about?

A. No, he did not. We did not discuss the lawsuit.

Q. Well, surely –

A. But it was about redistricting, yeah.

Q. Okay.

A. It was about redistricting. Let me rephrase that, okay, yes.

Q. Did he tell you anything more than that?

A. That was it. That's all he knew at the time.

Q. So, Mr. Austin approached you? When – when did he approach you about that?

A. At the – I'm going to say the January's county exec meeting, which we meet the third Tuesday of each month. And I'm going – I'm going to say it was the January meeting.

Q. January of what year?

A. 2014.

Q. Now, in the Complaint document we looked at earlier, I believe the Complaint indicated that it had been filed in October of 2013. And your name was on that Complaint in October of 2013.

[75] A. It could not have been, because I remember the night he asked me, 'cause it was snowing that night. And whether the Complaint was filed without names, I – I don't know.

But it wasn't – 'cause – it wasn't that early. It was, like – it was in January.

Q. So, you don't believe you spoke with Mr. Austin before October of 2013?

A. With reference to this?

Q. Yes, sir.

A. No, I did not.

Q. Do you have any idea how in October of 2013 your name could have ended up on the – on the Complaint in that case?

A. No, I do not.

Q. Have you spoken with anyone else about this lawsuit and being involved in it other than Mr. Austin?

A. No, that was the first I had heard about it.

Q. And so, Mr. Austin – you said you believe you talked to him in – in January, 2014, correct?

A. Unh-hunh (yes).

Q. And – and he told you there was a [76] lawsuit involving redistricting, correct?

A. Yes, yeah – no, it – it – it was not last – it was not 2013; it was 2014. It hasn't been –.

Q. So, you're – you're thinking your conversation with Mr. Austin occurred about three months ago?

A. Yes.

Q. And – and what event did you say you – you saw him at where you had this conversation?

A. County – Durham County Democratic Executive Board Meeting.

Q. And where was that held?

A. It was at the South Branch Library in Durham.

Q. What street is that on?

A. It's on Old Alston Avenue, the corner of Old Alston Avenue and Highway 54.

Q. So, it was a Durham County Democratic Executive Board Meeting, and – and – and – that is the people who are the executive board of the Democratic Party who live in Durham County, is that correct?

A. Yes.

Q. Who was running that meeting?

[77] A. Tracey Burns-Vann. She's the Chair of the County Party, T-r-a-c-e-y B-u-r-n-s-V-a-n-n.

Q. And do you know if she's involved in a lawsuit regarding redistricting that was done in 2011 by The General. Assembly?

A. No, I do not.

Q. And when you had your conversation with Mr. Austin, was anyone else present for that conversation?

A. No.

Q. And so, he approached you by yourself, correct?

A. Yeah, he pulled me to the side.

Q. Okay. And to the best of your recollection, can you tell me what Mr. Austin said to you specifically?

A. Would I be willing to be the Plaintiff in a redistricting case with reference to the North Carolina redistricting law.

Q. Did he say anything else that you remember?

A. No.

Q. And so, did you respond to him at that time?

A. Yes.

[78] Q. And what did you tell him?

A. I told him I had no problem being a Plaintiff.

Q. Did he tell you what the goal of that lawsuit would be?

A. We didn't discuss it any further.

Q. He didn't tell you what districts were involved in the lawsuit?

A. No.

Q. So, why would you be willing to be involved in a lawsuit if you didn't know what districts were involved or what the goal of the lawsuit was?

A. Well, I didn't have to agree to do it. He asked me would I object to being a Plaintiff. So, I did not know that it was Districts I and 12 at that time.

He said he would submit my name.

Q. And before you were approached by Mr. Austin, did you have any problem with any of the redistricting that had been done in North Carolina in 2011?

A. Did I have any problems with them?

Q. Yes. Did you have any concerns about the districts that were drawn or –

* * * *

[86] A. Right.

Q. At that point is that when you decided that Perkins Coie would represent you in this lawsuit?

A. Yes.

Q. And I think you said earlier that you were told that you would not have to pay your fees or costs in this lawsuit, correct?

A. Correct.

Q. And did you get this -

A. The point was it would be at no expense to me.

Q. Okay. And who told you that?

A. The attorney that I was talking to.

Q. And did you get that in writing?

A. Yes.

Q. Okay. And so, you have a written agreement with – with someone saying that you don't have to pay your fees or costs in this lawsuit?

A. That it would be of no expense to me.

Q. And who was that agreement with?

A. I told you I don't remember the attorney that I was talking with at the time.

Q. I didn't know if the agreement referenced [87] a specific law firm or law firms or attorneys?

A. Law firms.

Q. Okay. And the agreement came from a law firm?

A. Yes.

Q. And you don't remember which one?

A. Firms, plural.

Q. Okay. So, did it – did it come –

A. Both.

Q. Both Perkins Coie and Poyner and Spruill?

A. Yes.

MR. MCKNIGHT: And, John, I assume that a copy of that agreement has been – is that being withheld on grounds of privilege?

MR. O'HALE: Correct, the – the document that was, sort of, referenced at the very beginning is – is a copy of the engagement letter from Poyner Spruill to Mr. Harris.

And that was withheld on the basis of attorney/client privilege.

MR. MCKNIGHT: And you're standing by that objection?

MR. O'HALE: Yes. The – the Perkins Coie engagement letter was – was also

* * * *

[94] number 3.

A. Okay, I'm there.

Q. I'm sorry, interrogatory number 2. apologize. In response to interrogatory number 2, you wrote that you are currently on an email distribution list for Democracy North Carolina, is that correct?

A. At the time, yes, that was correct, because I was receiving information re- – relative to the voter registration project.

Q. Okay. So, it's fair to say that when you answered this interrogatory, you were currently on an email distribution list?

A. Yes, because they were gearing up for that voter registration project.

Q. Mr. Harris, earlier today you testified that you were not – that you have not been injured as a result of the events described in the Complaint.

Can you explain what you meant by that?

A. Physically, I don't feel that I have been injured for the redistricting of District I.

Q. Well, you also testified that your voting rights – or your right to vote hasn't been injured. What do you mean when you say that,

* * * *

EXHIBIT 3

[1] IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH
CAROLINA DURHAM DIVISION

Civil Action No. 1:13-CV-00949

DAVID HARRIS and CHRISTINE BOWSER,
Plaintiffs,

v.

PATRICK MCCRORY, in his capacity as Governor of North Carolina, NORTH CAROLINA STATE BOARD OF ELECTIONS, and JOSHUA HOWARD, in his capacity as Chairman of the North Carolina State Board of Elections,
Defendants.

DEPOSITION OF
RE DR. WILLIAM J. BARBER, II

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Michael D. McKnight, Esquire, appearing.

N.C. Department of Justice
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Alexander McC. Peters, Esquire, appearing.

In Attendance:

Alan McSurely, Esquire
Adam Stein, Esquire
Yara Allen
Elenor Barber

At Raleigh, North Carolina.

Monday, May 12, 2014.

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[16] MR. MCSURELY: You're making that Exhibit what?

MR. MCKNIGHT: Exhibit 18.

Q. (Mr. McKnight) And Rev. Barber, is that – is that the only document that you have that's responsive to Document Request Number 1?

A. I think you have some other documents there. You have a membership form.

Q. Okay.

A. All of those are public record.

Q. Okay.

A. You have, "Become a Member."

Q. Okay.

A. You have what about – the North Carolina NAACP Mission Statement; all those things.

Q. I see. Okay. All right.

A. And all those items are available on the website.

Q. Okay. I think it will be easier to ask about these documents individually later. I think that's what I'm going to do.

Before we get started on that, though, Rev. Barber, I want to understand a little bit about – what is the relationship between the [17] local branches of the NAACP – I believe that's what they're called. Correct? The local chapters?

A. Unh-hunh (yes).

Q. They're called branches?

A. Branches, Units; different words are used.

Q. Okay. What's the difference between those local branches or units in the state organization, and the National NAACP?

A. Let me do something before you do that.

Q. Sure.

A. I'm going to answer your question, but not before – because when it comes to this issue of you questioning the NAACP about its membership and its functioning –

Q. Unh-hunh (yes).

A. – there is a deep history on this. I want to be very clear about it. First of all, when you're a member if the NAACP, you're a member of the NAACP.

Q. What do you mean by that?

A. You pay a member – you're a member of your branch or state conference. You are a NAACP member, but that's as much as I'm going to say on that regard.

* * * *

[25] that I would come to where you raised four questions, or five questions – that I would not come prepared. I know that you would want me to come as a witness prepared to answer your questions.

I – I simply gave you an answer based on the history of – of this, and in response to your inquiries about membership.

Q. Well, I appreciate your efforts to prepare today. So, I want to ask you about one of the statements that you made –

A. Unh-hunh (yes).

Q. -- when you started to answer my last question. I think you said that if you're a member of the NAACP, you are a member of the NAACP. What did you -- what did you mean by that?

A. Just exactly what I said, you're a member of the NAACP.

Q. So, in other words, if you are a member of a local branch or unit of the NAACP, does that mean that you are also a member of the North Carolina State Conference of Branches of the NAACP?

A. I think I've answered the question about [26] membership, and that's as far as I'm going to go. If you're a member of the NAACP, of the branch – you pay that member- – you're a member of the branch, you're a member of the conference; you're a member of the national.

You are a member of the NAACP. Now, I want to ask why is that germane to a case? You're questioning me about a case that we have nothing to do with.

So, if I tell you – the main issue is are we parties in this case. That's what your issue is, to see if, in fact, somebody's trying to take two bites of the apple, as you lawyers say, one in federal court and one in state court.

We are not party to the case. That's the end of the story. And you have every document that's public, which is as much as we're going to talk about membership. And we're not party to this case.

Q. Well, I understand that's your position, but I want you to answer my question specifically. Give me a "Yes," or "No," answer to this. All right. If you are a member of a local branch or unit of the NAACP, does that [27] also mean that you are also a member of the

North Carolina State Conference of Branches of the NAACP? "Yes," or "No."

A. I've already answered the question, sir.

Q. You've not given me a "Yes," or "No," answer.

A. If you are a member of a local branch, you are a member of the state conference. You are a member of the national. You are a member of the NAACP.

Q. Can you tell me, generally, what is the criteria for membership in the North Carolina State Conference of Branches of the NAACP?

A. We submitted documents that lay that out.

Q. And those are the documents that you referenced earlier today?

A. Yes, sir, that are public documents.

MR. MCKNIGHT: Why don't we label all of the documents that have been submitted today, then.

Q. (Mr. McKnight) We'll start – we'll start one by one, and I'll get you to tell me about the documents you brought with you, then. The document that's marked as Exhibit 18, I want to hand that to you.

* * * *

[33] A. I know that those documents right there tell you how to become a member.

Q. Okay. All right. And if I were to click – it says, "Click to download membership form," on Exhibit 19. Do you see that?

A. We brought with us a membership form, if you want one. It is a public document.

Q. And so –

A. You don't have to click it. It's right there.

Q. Fair enough.

MR. MCKNIGHT: I want to label this membership form as Exhibit 20.

(Defendants' Exhibit 20 Marked for Identification.)

A. I tried to comply with what you asked – everything that you've asked that's within our purview to give you, we've tried to bring it to you.

Q. (Mr. McKnight) Well, I certainly appreciate that. I'm going to hand you a document here that's been marked as Exhibit 20. And I believe that you referenced that as a copy of the membership form. Correct?

A. That's a membership form, yes, sir.

[34] Q. And so, do you know if you click, you download the membership form? Is this membership form that is marked as Exhibit 20 – is that – is that the membership form that you would – you would download if you clicked on that link?

A. That is the membership form that we're providing to you today. I'm – I'm – as I said, I don't know about all that clicking and the clacking, but these are the documents that you requested. We brought them for you.

Q. All right.

A. And this is the document, but I'm not a computer expert here to discuss that. I'm here to try to answer your questions, and I provided the documents you asked for..

Q. I want to hand you a document that's already been marked as Exhibit 7 then.

A. Unh-hunh (yes).

Q. I'm going to hand copies to your lawyers, and I want to ask you to look at the document that's been marked –

MR. MCKNIGHT: I want to make sure John gets a copy of that down there.

Q. (Mr. McKnight) I want to ask you, Rev. [35] Barber, whether the documents that are marked as Exhibit 20, and the document that's been marked Exhibit 7 – are those documents the same?

A. No, but one's color and one's black and white.

Q. Well, other than the fact that one's in color and one's in black and white, are those documents the same?

A. They seem to be. The black and white copy, I'm not sure. I don't know where you got this particular document, but it seems to be a black and white copy of the document we already – don't tell me you had this in your possession and then asked me to bring it, too? Seems like you already had what you asked me for.

Q. Well, with all due respect Rev. Barber, had no idea what you were bringing today.

A. Okay. Well, now we've got the same documents.

Q. Fair enough.

A. It looks like – I'm not sure. Again, I can't say exactly because this is black and white and this is color. But it seems to be a

* * * *

Q. Please let me finish my question. I'm asking you whether it makes a difference whether you send this membership form in to the Durham address that's on Exhibit 19, or whether it makes – or whether you send

it to Baltimore, Maryland, which I understand is the headquarters of the NAACP?

A. We've given you a document that says how to become a member. You have the form in front of you, "Join the freedom fight. Fight for freedom during our membership campaign. Membership is the lifeblood of the NAACP. We depend on our members' generosity to ensure the NAACP's independence. We depend on you to keep the flames of freedom bright. Membership information, please print clearly: Mr., Mrs., Ms., Miss, or other; date, first name, middle initial, last name; address, apartment, suite, city, state, zip code; affiliation, current membership number, phone, email, are you a registered voter? Yes, no; solicitor's name, campaign, membership type, regular, adult, youth with crisis, youth without crisis, annual corporate, junior life, bronze life, silver life, gold life, diamond life; amount paid, [44] whether you're using American Express, Master Card, Visa, Cash, Credit card, name as it appears on card, expiration date; Thank you for your support."

That's all I'm going to talk about. That's what's on the form.

That's what we have entered into the record. That's – that's – that's the issue. That's what that form says.

Q. You mentioned just a minute ago when you were reading this form that -

A. Unh-hunh (yes).

Q. – I think the regular adult membership is $30 for the NAACP. Is that correct?

A. The form, whatever it says.

Q. Is there any separate membership dues to become a member of the North Carolina State Chapter beyond this $30?

A. I already answered that earlier when you asked me about whether or not – what – when you are a member, what do you become a member of. I've already answered the question.

MR. MCSURELY: That's four. I'm just going to keep track.

Q. (Mr. McKnight) Okay. Rev. Barber, are

EXHIBIT 4

[1] STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

COUNTY OF WAKE

11 CVS 16896
11 CVS 16940

MARGARET DICKSON, *et al.*,
Plaintiffs,

vs.

ROBERT RUCHO, in his official capacity only as the Chairman of the North Carolina Senate Redistricting Committee, *et al.*,
Defendants

NORTH CAROLINA STATE CONFERENCE OF BRANCHES THE NAACP, *et al.*,
Plaintiffs,

vs.

STATE OF NORTH CAROLINA, *et al.*,
Defendants.

DEPOSITION OF SENATOR ROBERT RUCHO
9:03 A.M
FRIDAY, MAY 4. 2012

POYNER SPRUILL
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* * * *

[50] Q. All right. That's a confusing question, and the topic of groupings is one that confuses me even today.

MR. FARR: You can call it clusters if it makes it easier for you.

MR. SPEAS: Or pods, perhaps.

BY MR. SPEAS:

Q. Now, with regard to the VRA districts, did you tell Hofeller, "Now, Hofeller, when you draw a VRA district, it has to be at 50 percent plus one black voting age population at a minimum"?

A. In our criteria that we've outlined on the public statement, we consistently remained committed to the law as it is written which included the VRA harmonizing with the Strickland – excuse me – with the Stephenson criteria and then incorporating Strickland, and all of that being said, it would be a requirement to – in a VRA district to have 50 percent plus.

Q. Plus one.

Now, with regard to the number of VRA districts, did you tell Hofeller, "Now, Hofeller, we want to get close to proportional population for African American citizens in North Carolina and in the Senate that means 10 of 50 seats"?

[51] MR. PETERS: Objection.

SENATOR RUCHO: Based on the record that we put together, and I think it was outlined in our public statement which included testimony from a number of people, including Ms. Earls, who I have a great deal of respect for. I think she's a very knowledgeable individual.

MR. SPEAS: She's real smart, isn't she?

MR. FARR: We disagree with her on just a few things.

SENATOR RUCHO: But in formulating my thoughts on criteria, I used a lot of her evidence and testimony in determining, but under that circumstance, you know, she said that, we – that, quote, unquote, there was racial polarization in the state that needed – and then majority-minority districts were important, and I believe in one of her legal articles talked about the fact that there were, let's say, not as many minority members in the House and the Senate and under that circumstance looked at the possibility of trying to have a roughly proportional and equal opportunity to elect – to have the voters elect candidates of their choice.

BY MR. SPEAS:

* * * *

[80] plan?

A. I'm not aware of that.

Q. Senator, let's talk a little bit about the Congressional plan. And yesterday an exhibit was introduced. I'll find it in just a minute. It was Exhibit 190 from yesterday. If we could put that exhibit in front of you, Exhibit 190.

Representative Lewis testified about this yesterday. Do you remember his testimony about that generally, Senator Rucho?

A. Yes, sir, I was here and listened to it but maybe not in the specifics that he was answering.

Q. And do you recognize Exhibit 190 as containing the map of the first proposed Congressional plan,

Rucho-Lewis Congress 1 and the successive plan Rucho-Lewis Congress 2, Rucho-Lewis Congress 2A and Rucho-Lewis Congress 3?

A. Yes, sir, they seem to be.

Q. And Rucho-Lewis Congress 1 is the map drawn for you and Representative Lewis by Mr. Hofeller, the first map?

A. The first map, yes, sir.

Q. And did you review this first map proposed by Mr. Hofeller or sent to you by Representative Hotelier (sic) in making a determination as to [81] whether it met the criteria that you and Representative Lewis had given to Mr. Hofeller?

A. Yes, sir. I will say to you that both myself and Representative Lewis had a chance to review it prior to its being issued publicly and, yes, it did meet the criteria that we had presented.

Q. And the successive versions of that plan, Rucho-Lewis Congress 2, 2A and 3, also met – you reviewed them and also determined that those met the criteria you had given Mr. Hofeller?

MR. FARR: Objection.

SENATOR RUCHO: The criteria that we gave Mr. Hofeller is consistent. There were some changes into the second map because of some request made by or some request by Mr. – Congressman Butterfield.

We did – as was mentioned yesterday, had an opportunity to meet with him twice. One was to gather information about his thoughts. The second time was to share with him a map actually at the legislative building and get his opinion on that map and – well, I'll say that the Map Number 1 is the one that we got

his opinion on. The Map Number 2 was subsequent to a letter we received.

BY MR. SPEAS:

[82] Q. Senator, I want to also put in front of you now Exhibit 55 from the Churchill deposition which Representative Lewis also testified about yesterday, and I would like for you to turn in that exhibit to the public statement issued by you and Representative Lewis on July 1, 2011, regarding the Congressional plan. I think it's the third.

Would you review that document?

A. Completely?

Q. Well, you're familiar with that document?

A. Yes, sir, I've had an opportunity to read it.

Q. And this is the document which on July 1, 2011, you state the criteria that you had previously provided to Hofeller orally, correct?

A. Repeat that again, please, sir.

Q. The July 1, 2011, public statement sets forth the criteria for the development of the Congressional plan that you had previously provided to Hofeller orally?

A. The criteria that is listed here was what was used to generate Rucho-Lewis Congress 1.

Q. Okay. Turn with me to page 7 of that July 1st document. And one of the criteria you issued to Mr. Hotelier was whole counties and whole precincts, and you stated, quote, "Counties and [83] precincts are two specific examples of communities of interest. Like other interests, they must be balanced. We have attempted to respect county lines and whole precincts

when it was logical to do so and consistent with other relevant factors."

Did I read that correctly?

A. Yes, sir. I'd only say to you that the term "precinct" and "VTD" seem to get mixed back and forth, and I think what we told Mr. Hofeller is that whenever possible, whole counties and whole VTDs whenever possible as long as he was complying with the other federal and state requirements.

Q. So I just want to be very clear. I heard both you and Representative Lewis say that you did not inform Mr. Hofeller that he should avoid splitting precincts and VTDs in drawing the State House and State Senate plans, but here you and Representative Lewis are informing Mr. Hofeller to avoid splitting precincts in the Congressional plan.

Do I understand correctly what happened?

A. I think there is still a consistency, Mr. Speas, in the sense that it was clear – you know, I mean, you understand under Congressional map there is no requirement for whole counties.

Q. That remains to be seen.

[74] A. That's fine. I'm not a lawyer, and I don't expect to get into that battle with you, but in essence, we asked Mr. Hofeller to comply on legislative maps as we described with the criteria and on the Congressional maps to, whenever possible, keep them whole for counties and do the best he could with the VTDs keeping them whole.

Q. Okay. Let's focus on the county direction to keep counties whole here for a minute. Would you tell me how Congressional District 4 in Rucho-Lewis Congress 1 respects county lines?

MR. PETERS: Objection.

BY MR. SPEAS:

Q. And tell me further how you believe Congressional

District 4 complies with the direction you gave to Mr. Hofeller about whole counties.

A. The Congressional District 4 – and we gave Mr. Hofeller verbal instructions on using the same criteria in drawing District Number 12 which was to make it a strongly performing Democrat district.

Q. So –

A. And that being said, we asked him, whenever possible, to keep the VTDs whole and also to meet the necessary zero deviation, one person, one vote.

Q. So I read through the July 1, 2011, document. I [85] don't see any direction to Mr. Hotelier to create Democratic performing districts. Is there one or was that given to him orally?

A. When we inherited District Number 12, that was the way it was drawn, and we used that – which has apparently received the Department of Justice approval on at least for 20 years, as Representative Lewis said, and we asked him to follow the same criteria in producing District Number 4.

Q. So are you – is it your testimony that District 4 is entirely – the shape of District 4 and the fact that it divides – is composed of no whole counties reflects your direction to Mr. Hotelier to create a Democratic performing district?

MR. FARR: Can we please take some time to look at this statement first?

MR. SPEAS: Sure. Sure. I'm sorry, I didn't mean to push you. And as you're looking through it, let me just say what I want to know is how Congressional District 4 complies with Criterion Number 7 in the July 1, 2011, instructions.

MR. FARR: What was your question?

BY MR. SPEAS:

[86] Q. Have you had an opportunity to review the document now, Senator Rucho?

A. Yes, sir. And the question is?

Q. How you explain the fact that Congressional District 4 in Rucho-Lewis Congress 1 consists of only piece of counties in light of your direction to Mr. Hofeller with respect to whole counties in the Congressional plan?

A. The best I can recollect is that Representative Lewis and I gave Mr. Hofeller verbal directions in trying to produce a map or, excuse me, a district with the similar criteria as they were done to -¬as it was done to formulate what we inherited in District Number 12, meaning a highly Democrat performing district, and that is the same criteria that we gave regarding for District Number 4 to be fabricated and it was based on President Obama's election results in 2008.

Q. So you wanted to create – looking at District 4, in some ways it's kind of a mirror image of District 12; is that right?

MR. PETERS: Objection.

SENATOR RUCHO: It's made – its built on the same criteria that, one, we inherited, and the whole purpose behind this was to be able to produce [87]

Congressional maps that were fair and legal, that were competitive and that would meet the Justice Department approval for pre-clearance and then move the election process forward.

BY MR. SPEAS:

Q. There are no Voting Rights Act considerations at all present with regard to the shape and configuration of District 4, is there, Senator?

MR. FARR: Objection.

SENATOR RUCHO: To the best of my knowledge, we didn't consider that. It was strictly political.

BY MR. SPEAS:

Q. Now, help me with this. Was District 4 Hofeller's idea, the shape and configuration, was it Hofeller's idea or was it your idea?

A. I can't tell you whose idea it was. A lot of these maps came about because, you know, when District Number 1 or any of these districts are formulated, there is a concavity and a convexity in how they're formed, and so as they were being pieced together, it seemed like that was a reasonable way of trying to meet the same criteria we used on number 12.

Q. Okay, but help me. I wanted to know whether it was Hofeller's idea or yours, and your answer is you're [88] not sure?

A. It was a –

Q. It grew like topsy?

MR. FARR: I would object to the use of that term "topsy."

SENATOR RUCHO: It was one iteration in the process of producing maps.

BY MR. SPEAS:

Q. So could it have been Mr. Morgan's idea?

A. I don't recollect that.

Q. Could it have been Mr. Oldham's idea?

A. I don't remember that.

Q. Could it have been Mr. Raupe's idea?

A. I don't remember that.

Q. Okay. Isn't it fair to say, Senator, that District 4 is entirely the product of politics?

MR. PETERS: Objection.

SENATOR RUCHO: I think it's built on the same criteria that was established when District Number 12 was and has met DOJ approval and pre-clearance. And again, that was the intent of what we were trying to get accomplished because that is one of our goals.

BY MR. SPEAS:

Q. So let's look at District 1 with this criterion [89] about whole counties in mind. By my count, District 1 is composed of pieces of 15 counties and only five whole counties.

Would you take a look at that and see if that's –

A. Which map are we talking about now?

Q. Rucho-Lewis Congress 1.

A. Congress 1, okay.

Q. And, I guess, let me ask you this question: How many pieces of counties are contained in District 1 and how many whole counties are contained in District 1 in Rucho-Lewis Congress 1?

A. To answer that question – I don't know the answer to it.

To tell you about the original question that you asked, this is District 1 that we inherited from previous maps, had met preclearance approval by the Justice Department, had been approved by the Federal Court in regards to compactness of population, Section 5 counties involved with it, Section 2 counties involved in it, and we did not want to risk any problem with pre-clearance approval with the Justice Department.

So we attempted to comply – other than the fact that it was nearly 97,000 people short in [90] population, and that was one of the reasons why in this case we moved into Wake – in the final result we moved into Durham to try to help minimize the effect of under population and the issue dealing with one person, one vote over the next ten years.

Q. Would it be fair to say, Senator Rucho, that in presenting Rucho-Lewis Congress 1 to you, Mr. Hofeller paid no attention whatsoever to your direction to consider keeping counties whole in proposing Congressional District 1?

MR. PETERS: Objection.

MR. FARR: Objection.

SENATOR RUCHO: The criteria that you're alluding to is one part of blending in what has to be an acceptance by the Department of Justice to pre-clear these maps, otherwise we can't hold an election. And one of our major goals, as described earlier, is to achieve pre-clearance which we received very quickly and because of the fact that we followed the letter of the law.

BY MR. SPEAS:

Q. Okay. Let's talk about District 12 for a minute in Rucho-Lewis Congress 1. District 12, like District 4, is composed only of pieces of counties; is that correct?

[91] A. Mr. Speas, we ended up inheriting this same map that had met pre-clearance approval –

Q. I understand that.

MR. FARR: Well stipulate it's comprised of pieces of counties.

MR. SPEAS: All right.

BY MR. SPEAS:

Q. Continue then.

A. And under that circumstance, our effort was to be in compliance with what was expected by the Department of Justice with pre-clearance, and all we did with that situation was told Mr. Hofeller to get the zero deviation ideal population in place, try to keep as many VTDs that can be kept whole whole and following the 2008 presidential election results in forming what is a Democrat performing district.

Q. But again, Senator Rucho, you had informed Mr. Hofeller orally that he was to take some account of keeping counties whole when drawing the Congressional plan and on July 1st you present Rucho-Lewis Congress 1 to the public containing District 12 which doesn't include any whole counties. And so Hofeller wasn't following your directions, was he?

[92] MR. PETERS: Objection.

MR. FARR: Objection.

SENATOR RUCHO: I think the issue that needs to be clarified is the fact that part of the direction was

that we needed to have maps that would meet DOJ approval. These 1 and 12 had already been validated on a number of occasions and we felt that using that base would allow us to get pre-clearance approval, and the good news is that's how it turned out.

BY MR. SPEAS:

Q. Senator, let's talk about another topic. Let's go back to the topic of divided counties a little bit and compliance with the Whole County Provision of the Constitution.

Would you place in front of you from yesterday Frey Exhibit 2, Deposition Exhibit 180. And that guys is this.

MR. FARR: That's his affidavit, Eddie.

MR. SPEAS: But I did not separately identify it.

MR. FARR: Do you have a copy?

MR. PETERS: Yes.

BY MR. SPEAS:

Q. Senator Rucho, you have in front of you Exhibit 180

* * * *

BY MR. SPEAS:

Q. You believed that the Gingles decision required Voting Rights districts to be drawn in Mecklenburg county?

MR. FARR: Objection.

SENATOR RUCHO: I believe from my understanding in talking with – on the base of the record, speaking with counsel that the Gingles decision still is in effect in North Carolina, especially

with the fact that there is clear evidence from many parties on racial polarization, and under that circumstance, it is – well, repeat that question one more time if you would.

BY MR. SPEAS:

Q. The question was simply whether you believe the Gingles decision required you to draw Voting Rights district in Mecklenburg county.

MR. FARR: Objection.

SENATOR RUCHO: Yes, sir.

BY MR. SPEAS:

Q. And you base that belief on the advice you received from counsel?

MR. FARR: Objection.

I instruct you not to answer that.

BY MR. SPEAS:

[112] Q. Did you reach that conclusion based upon advice provided you by Mr. Hofeller?

A. No.

Q. Did you base that decision based on advice provided to you by Mr. Morgan?

A. No.

Q. Mr. Oldham?

A. No.

Q. Mr. Raupe?

A. No.

Q. Did you base that decision on advice you received from Dr. Brunell?

A. I believe Dr. Brunell pretty much validated what Ms. Earls had presented and what Mr. Block had presented in regards to racial polarization in North Carolina and still in existence that pretty much holds that the Gingles case still is in effect in North Carolina.

Q. Have you ever met Dr. Brunell?

A. No, sir.

Q. Have you ever talked to him on the phone?

A. No, sir.

Q. Do you know his credentials?

A. I viewed them.

Q. And did the legislature contract with Dr. Brunell?

* * * *

[144] Q. And then the last statement in this exhibit is – at the top it says 7-19-11 Joint Statement regarding the release of Rucho-Lewis Congress 2.

MR. FARR: There's a handwritten note up there.

BY MS. EARLS:

Q. This first sentence says, "On July 1, 2011, we released for public comment our first proposed Congressional Redistricting plan."

Was this statement drafted after the July 12th statement?

A. We had all of these plans going on for a period of time, and in a sense from when the original Congressional map was sent out and we got feedback from a number of people, I'm sure between that point forward and when this was released I believe on 7-19,

that would have been the period of time that that information would have been reviewed and determined how we would make our maps comply with the law as required of us and try to take into consideration any of the comments that would come from it.

And if you remember correctly, Congressman Butterfield's letter had a large impact on how these maps – the Congressional map, which is [145] Rucho-Lewis Congress 2, were drawn.

And I finally remembered the word that whenever a map is done, you have that domino effect. I should have helped you there, Mr. Speas.

Q. If the original maps for the Rucho-Lewis Congress 1, they were released on July 1st, 2011, so sometime between July 1st, 2011, and July 19, 2011, the statement that you're looking at now released on July 19th was drafted?

A. Yes, ma'am, in explaining what we did to try to accommodate to the comments that were made, that is what the purpose of 19 was.

Q. So the bulk of these statements at least were not written before the first map was – before the first maps were drawn, right?

A. The – I'm not sure I understand what you mean by that.

Q. Well you've testified that the criteria that you instructed Dr. Hofeller to follow, that you gave him verbal instructions to follow the Voting Rights Act, the Stephenson and the Strickland opinions and harmonize the Voting Rights Act with the Whole County and that the criteria was put in writing when you issued these public statements.

MR. PETERS: Objection.

* * * *

[147] past, so she went back into the record and we followed everything and tried to improve it even to a higher level of even public hearings and all of the things that would allow for transparent and openness which part of our goal was.

But in reality, you know, you have these conceptual criteria that are in place and then you put it out for review and then when you – the chairman of the committee generally comes forward, or in many legislative areas, someone comes forward with a bill to present for debate.

Q. But, Senator, what I am trying to understand is who had an opportunity to have input on the written embodiment of the criteria that you instructed Dr. Hofeller to follow. And I'm correct that, am I not, that no members of the Redistricting Committee other than you and Senator Lewis (sic) had input into the written embodiment of those criteria?

A. I think it was very clearly when we handed out the Legislator's Guide we would be following the Stephenson criteria because that pretty much laid it out exactly how much you have to implement the redistricting. It was very – that was valuable to us because that was exactly how you laid out the maps. We just followed it to the letter of the [148] law.

Q. And am I understanding your testimony correctly that you didn't give Mr. Hofeller – Dr. Hofeller anything in writing prior to the issuance of these public statements regarding the criteria that they should follow?

A. Not in writing. I think I made that statement earlier.

Q. I want to look at the documents that we were reviewing yesterday, some of the memoranda that – oh, I'm sorry. I do want to follow up on one more question.

We were talking about the meetings that you had with Senators Graham, McKissick, Robinson, Mansfield, Jones. Did you convey to Dr. Hofeller anything about those meetings about their concerns, about their interpretations of the legal standards? Did you convey any of that to Dr. Hofeller?

A. Not regarding their specific meetings, but how any comments that they may have made regarding that as to how it would fit in the criteria and that would have been how our criteria would have been adjusted, if need be.

Q. Do you recall what you told Dr. Hofeller about their comments?

* * * *

[157] reaching out to them to participate in other committees that they were assigned to, including Ms. Churchill. She was stretched out pretty significantly.

Q. I want to make sure I understand your view of the legal standards and instructions that you gave to Dr. Hofeller. And you've mentioned – you've mentioned compliance with the Voting Rights Act, Strickland, Stephenson criteria, Whole County Provision. I can't find anywhere in the written memos that you provided that capture your criteria and you haven't mentioned today that compliance with Shaw versus Reno was one of the criteria that you were concerned about.

A. I'm not an attorney and would probably not have understood completely Shaw versus Reno. I focused on the ones that I remembered in the process of trying to do that. I don't know what Shaw versus Reno, how it would be explained, I guess is probably, what does it mean.

Q. So as you sit here right now today, if I use the word racial gerrymandering instead of Shaw versus Reno, does that –

A. I remember in the Legislator's Guide that is one part of it, and I can say that I can visualize [158] maybe Shaw versus Reno was in there, but as far as following the criteria that was set out with the blending or harmonization of the Voting Rights Act with Stephenson, the Strickland decision, the majority-minority requirements that are there before us and following the federal and state law, that was the core of our – you know, of our – of the criteria.

If we followed the Stephenson decision and the legislative maps, we would be moving forward and then recognizing that we did need to get pre-clearance, and that was important to us.

Q. Did I also understand that you would be complying with compactness as long as you complied with the Whole County Provision?

A. Yes, ma'am.

MR. FARR: Objection.

Go ahead.

SENATOR RUCHO: Yes, ma'am.

BY MS. EARLS:

Q. So if you're looking at the shape of the Senate districts in Mecklenburg county, for example, that are

wholly contained within a single county, is it your testimony, then, that you didn't – you don't think there's any requirement to keep those

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[160] software?

A. Not at all.

Q. So you've never used it?

A. No.

Q. Have you ever seen it on the computer screen?

A. Yes, ma'am.

Q. Did you ever use the terminal that was at the – we heard testimony yesterday about a separate laptop or terminal that was set up in an office between two offices that didn't have a number. And did you ever use that terminal to look at redistricting plans?

A. No, ma'am, I never did.

Q. So all of your review using the computer of redistricting plans was done with Dr. Hofeller?

A. Or one of the other people that drew maps.

Q. Are you aware of the various compactness measures that software can produce for a district?

A. Up until just recently I never knew it could do compactness, but also the fact there are many tests for compactness and there's no right one and they lead to many types of different answers and therefore didn't seem like it was a relevant way of measuring it.

Q. You talked earlier about Congressional District 1, [160] and I want to show you – I thought I had another copy. I only have one copy, but I don't – I'm happy to share it.

I want to show him an e-mail that has a case attached to it.

MR. FARR: Cromartie case?

MS. EARLS: Yes.

(WHEREUPON, Exhibit 212 was marked for identification.)

BY MS. EARLS:

Q. You're looking at a document that's been marked as Exhibit 212, and I believe you earlier testified that you were interested in or that you were aware that Congressional District 1 had previously been determined to be sufficiently compact, and I just want to ask you if that e-mail that's the first couple of pages of Exhibit 212, if that represents your request and the answer that you received regarding that.

A. Well, the request was made.

Q. And actually, if you look at page 2 of that document.

A. Again, I was looking at a lot of papers. I can't say that I looked specifically, but apparently it was validated.

[162] Q. Right, but my question is: Does page 2, that's the request you made for information about the First Congressional District and the Cromartie decision. It's a memo – I'm just asking is that the request you made?

A. Yes, ma'am, I'm assuming it is.

Q. And then the first page shows that they referred you to the 2000 Cromartie decision.

A. (Witness nodding head up and down.)

MR. PETERS: You need to answer.

SENATOR RUCHO: Yes. I apologize.

BY MS. EARLS:

Q. Did you actually – do you recall if you actually read that opinion?

A. I'm not sure, not being a lawyer, that it would make a world of difference. I would probably go on the fact that Mr. Cohen probably said something to the effect, but I can't be sure who gave me that.

Q. Well, the opinion talks at some length about the various compactness scores and recites what the compactness scores were for the First Congressional District, and I'm just trying to understand what role, if any, your understanding of these compactness scores play in the redistricting process. And it sounds from what you said before

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[166] A. I would say to you that it was received before we enacted the plans, so it's part of the record, yes, as best I can tell.

Q. So do you know how many African American members there are in the State Senate right now elected in 2010?

A. I believe there's seven right now.

Q. And you know, don't you, that none of them were elected in districts that were majority black according to the 2010 Census?

A. I need to look back and see what the percentages were, but that may be accurate.

Q. So let's then talk a little bit about your understanding of racially polarized voting.

You testified that you had in the record information that there was racially polarized voting in North Carolina. Do you think it's important to know something about the level of racially polarized voting?

MR. FARR: Objection.

You can answer.

SENATOR RUCHO: As part of the record building on this subject, your testimony was that it exists. Your expert testified that it exists through the report that you submitted to us. I [167] asked Mr. Joyner from the NAACP during the public hearing that if indeed racially polarized voting existed and he said yes, and then Dr. Brunell validated Mr. Block or Dr. Block's record and apparently felt that there was racially polarized voting in each of the districts that had VRA districts in it and then I think all of the other urban areas that were in.

BY MS. EARLS:

Q. So your understanding of racially polarized voting, it was sufficient for you that there was testimony that it exists?

MR. FARR: Objection.

SENATOR RUCHO: Since that was – I would just say to you yes.

BY MS. EARLS:

Q. And is it your belief that racially polarized voting is the same throughout North Carolina?

A. I don't know the answer to that question.

Q. And you didn't think it was important to know the answer to that question in order to decide where you needed to draw majority black districts?

MR. FARR: Objection.

SENATOR RUCHO: I will say to you that the evidence was that it existed, and that is, you

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[175] A. That does not make me an expert for racial polarization.

Q. But you have run for public office?

A. Yes, ma'am.

Q. And in the course of running campaigns, you do look at election returns?

A. You look at results.

Q. Right, election results.

A. Yes.

Q. You do have interactions with voters, correct, in the course of your duties as a senator?

A. Constituent services.

Q. And is it your view – do you have any sense of whether white voters in North Carolina, whether any white voters are willing to vote for a black candidate?

A. To answer your question, I go on what the experts have told me about that, especially since I was --you know, my responsibility was to come forward with a Senate map, Congressional map and then working with Representative Lewis. We use the expert advice as part of the record of how to work this. I mean, I'm not going to question you, Mr. Block, Dr. Block, Mr. Funell (sic), you're all the experts, and if you say it existed and if it [176] exists, then we follow what would be expected of us under the law.

Q. So going back to these districts, the Senate VRA districts, can you tell me which of these districts you drew or you believe were justified by Section 5 of the Voting Rights Act and which ones you believe were justified by Section 2 of the Voting Rights Act?

MR. FARR: Objection.

SENATOR RUCHO: Well, I would assume that Section 5 of the Voting Rights Act would be impacted by Guilford, by the 20 in Granville, by number 4, number 3, number 5. It would be – well, not so much in this one, but in reality, it would be number 21 with Hoke county.

And then Section 2 would be all the others because they would be every other county in the state who would have it except for the ones who are Section 5 which are 40 of them.

BY MS. EARLS:

Q. And what's your understanding of what Section 5 requires?

A. Well, of course, Section 5 is pre-clearance from the Department of Justice. And one of them was – let me remember the criteria, if I may.

* * * *

[178] arguing with a non-lawyer about what the law means.

MS. EARLS: No. I'm asking him his understanding which is completely legitimate as a person who instructed the map drawer.

BY MS. EARLS:

Q. So let's look at the Congressional districts.

A. Can we take a break?

Q. Sure.

A. This would be a good time.

(Brief Recess: 3:00 to 3:10 p.m.)

BY MS. EARLS:

Q. Before we broke, I was going to ask you about the Congressional districts, and I'll try to keep this fairly short, but Congressional District 1 in the prior plan was 47.76 percent black voting age population using the 2010 Census data and in the enacted plan you increased it to 52.65 percent black voting age population, and I'm trying to understand was it your view that that increase in black voting age population was necessary to comply with Section 5 of the Voting Rights Act?

MR. FARR: Objection.

SENATOR RUCHO: As best I can recollect, okay, that was Section 2. I think it was a Section 2 case. And – do we have a map of that?

[179] BY MS. EARLS:

Q. Yes. That would be Exhibit 190. If you look at the fourth page of that exhibit, I believe those would be the enacted plans and I think it's right there.

MR. FARR: This.

BY MS. EARLS:

Q. Congressional. It's 190, looks like this. You can take a look at this.

A. As best I can remember, that is – it's got Section 5 in there and Section 2 in that district, and our goal was to bring it up to the population it was missing of – roughly missing 97,000 voters. We went into the Durham area to help keep that stable over the long

period of time to minimize the underpopulation, and under that circumstances it was felt that we needed to restore that to – under the Strickland decision to a 50 percent plus.

Q. And you had discussions with Representative Butterfield about that, am I right?

A. We discussed a number of things about it. I'm not sure we specifically got into the percentages. We told them about the difference in the population and we needed to get that restored under the one person, one vote.

[180] Q. I am going to ask the court reporter to mark this document as Exhibit 217.

(WHEREUPON, Exhibit 217 was marked for identification.)

BY MS. EARLS:

Q. Do you recognize Exhibit 217 as a letter from – a letter from G.K. Butterfield dated July 22, 2011, that was introduced in the record at a public hearing by Senator Ed Jones?

A. Yes, ma'am.

Q. And do you recall seeing this letter during the redistricting process?

A. Yes, ma'am, we took that into consideration.

Q. And do you see – if you look at the top of page 2 where he talks about the fact that it's not – that he can maintain the historic rural nature of that district without going into an urban area and still comply with the Voting Rights Act?

A. I read what it says, and part of our decision in the process was that his district over the last ten years

was – many of the counties were either slow growth or no growth, and our effort was to try to maintain and not be – not over time lose the one person, one vote requirement of making sure that the population stays similar to the rest, and [181] that's why it went into Durham county, initially into Wake and then into Durham.

Q. But he's suggesting that numerically it's possible to comply – to draw a district that doesn't violate the general redistricting principles even those there's a large population deficit, he calls it, that District 1 can be preserved without going into the urban areas.

Are you saying you just didn't think that was right?

MR. FARR: Objection.

SENATOR RUCHO: We were concerned about minimizing the underpopulation of that district so we could stay, you know, in close proximity with one person, one vote, zero population differential.

BY MS. EARLS:

Q. When you say you were concerned about that –

A. Over time.

Q. Going forward, so the decade from 2011 to 2021?

A. We were – we were trying to maintain a way of doing so.

And secondly, if I remember correctly, this precedent of going into Durham had been done in a previous map and it was something that was done a number of years back. I don't remember the exact [182] period of time, but it did and we felt that that was a precedent that was there and all of the -¬all of

the factors dealing with our criteria were met, and I'm not sure how else to explain that.

Q. Let's talk about District 12 for just a moment. Congressional District 12 went from 44.31 percent in the prior plan to 50.66 percent black voting age population roughly in the new plan.

And did you consider that was necessary to comply with the Voting Rights Act?

A. I'll repeat what I talked to Mr. Speas earlier this morning, and that was the district we inherited, our goal was to get pre-clearance done by the Justice Department. This map – this District 12 has had at least 20 years of approval by the Justice Department. We kept the same concept in there. There was a population, I think, overage of about 2,000 or some sort.

And secondly, this is – it is in areas of Section 2 and Section 5, but this map was designed for its original purpose and that was to be a strong performing democratic district.

Q. So ultimately you're saying that you drew District 12 the way it is to make it a strong democratic performing district?

[183] MR. PETERS: Objection.

SENATOR RUCHO: That was the original intent of what was approved by the court to my recollection.

BY MS. EARLS:

Q. I want what your intent was.

A. Our intent was passage by the Department of Justice.

Q. You felt it needed to go above 50.66 percent to be cleared by the Department of Justice?

MR. FARR: Objection.

SENATOR RUCHO: No. What we're saying is that when this map was drawn and it was – and Mr. Hofeller was giving directions on this, his responsibility was to get it to an ideal population, zero deviation, secondly, to use whole VTDs wherever possible and, thirdly, to use the presidential election in 2008 as the measure of adding people to this district.

BY MS. EARLS:

Q. As a measure of partisan affiliation?

A. No, not partisan affiliation. The vote during the presidential election.

Q. So how people vote in terms of which party they support?

[184] A. No. How you voted on the election.

Q. What I'm trying to understand is did you consider that – what I am trying to understand is you're saying you instructed him to use the 2008 Obama election –

A. Results.

Q. – results to indicate what?

A. In forming the VTDs that are in that – in that – in the district.

Q. I see. And you did have conversations with Representative Watt about his district?

A. Yes.

Q. And I believe he also sent a letter. I am going to ask the court reporter to court reporter to mark this.

(WHEREUPON, Exhibit 218 was marked for identification.)

BY MS. EARLS:

Q. I believe you have been handed a document that has been marked as Exhibit 218.

Is that a letter from Representative Watt dated July 8, 2011? I'm really just trying to identify the document.

A. I want to read it first.

Thank you. Yes.

[185] Q. Do you recall receiving this letter during the redistricting process?

A. Yes. I think it was actually read by Senator Graham.

Q. You testified earlier that you drew the Forsyth county District 32 in part based on Representative Watt's statements that Hispanic and African American voters vote together, and this letter in Paragraph B on the first page says that he did not intend to indicate that he had any knowledge of whether African American and Hispanic voters vote together.

Did this letter have any impact on your decision about District 32?

A. My recollection in discussing with him – and Mr. Woodcox was in with us at that point – was that – was that the white voter – excuse me -¬the black voters and the Hispanic voters tended to vote cohesively, and that's what I remember him saying

very clearly. Now he may disagree with what you understood, but that is what I remember clearly.

Q. But he at least put in writing prior to the passage of the plan that that wasn't what he intended, whatever he said, and you understood he's put in [186] writing that's not what he intended to indicate.

A. As I alluded to earlier, District Number 12 is what we inherited Congressionally. We followed the criteria T just alluded to you when I told you what we told Dr. Hofeller to make sure that we met zero deviation.

Q. I'm sorry.

MR. FARR: Can he finish.

SENATOR RUCHO: Zero deviation. We wanted to keep whole VTDs when we could, and we used President Obama's election results in determining how to fill out those VTDs so it would be a high democratic performance district as what was originally approved by the Supreme Court way back 20 years or so.

BY MS. EARLS:

Q. I'm asking you now about Senate District 32 in Forsyth county.

A. Okay.

Q. And your testimony earlier today when Mr. Speas was asking you questions was that you considered that a coalition district based on what Representative Watt told you about Hispanic and African American voters voting together.

And my question is whether you gave any

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[189] June 17th and the public hearing was June 23rd.

A. I assume I was there.

Q. What do you recall about the public reaction to the Voting Rights Act maps as expressed at that public hearing?

A. I think most – the comment that came forward was that people felt that they saw that, okay, and they wanted to see what the rest of the maps look like, but this is the first step that we would have taken following the Stephenson criteria and that was why we did it in this manner so we could get public comment and we were following it just as we were told to in the law.

Q. Do you recall any public comments at that public hearing opposing the Voting Rights Act districts on the ground that they were packing black voters?

A. There was a concert of individuals, NAACP, League of Women Voters, and they all seemed to say the same messages almost like it was a canned speech.

Q. And did you give that any weight in your consideration of the Voting Rights Act?

A. We considered everything that was discussed there plus any other information we might have gotten over the internet, additional comments.

Q. The split precincts, we haven't been able to talk [190] about those much, but did you request any documentation of how much it might cost to administer the elections when there are split precincts?

A. It was requested by me only because it came about from a request of the member of the committee and Ms. Churchill had to spend some time with the

Board of Elections, and my best recollection was that when we finally saw a document that is was insignificant.

Q. That the cost was insignificant?

A. That is correct.

Q. I want to go back to Senate District 32. Do you recall having – this is Senator Garrou's district. Do you recall having an exchange with her on the floor of the Senate regarding that district?

A. Let's see. Senator Garrou and I probably had exchanges on a number of occasions I think about – not necessarily related to redistricting. There may have been some comments from her the best I can recollect. There were a number of folks that spoke on the issue.

Q. What do you recall about their comments on that district?

A. I guess the biggest one that she felt was the fact

* * * *

[195] this deposition by the plaintiffs?

A. There's multitude of documents that were alluded to but not presented, yes, sir.

Q. And is one of those documents the expert report by Ms. Earls' expert Mr. Block, I think his name is?

A. Yes, sir, we did not have a chance to see that here today.

Q. And you've been questioned about that, but no one has ever allowed you to review that document today, have they?

A. That document has been –

MR. SPEAS: Objection to the form.

BY MR. FARR:

Q. You've testified about that document, have you not?

A. I testified in the sense that that was part of our comprehensive, overall record and yet it was discussed today on a couple of occasions and never did get a chance to see a copy of it.

Q. Do you recall what's in that report sitting here today?

A. The only thing that I can remember distinctly was the fact that Mr. Block felt that African American candidates have a better opportunity of winning an election in the district with majority-minority status. That's the one I can remember the best I [196] can.

Q. Sitting here today, do you remember which races Mr. Block analyzed in his report?

MR. SPEAS: Object to the form.

SENATOR RUCHO: My recollection is that he looked at every election from, was it, 2006, 2008, 2010 where a minority candidate and a white candidate would have participated in the election, so I think he covered every single general election up through that period and came out with the result that I described to you.

BY MR. FARR:

Q. Did you rely upon that report in making your decision in formulating the plans that were ultimately enacted?

MR. SPEAS: Object to the form.

SENATOR RUCHO: Representative Lewis and I both looked at that based on testimony, based on the results that came from Dr. Block and Dr. Brunell.

MR. FARR: All right. That's it.

FURTHER EXAMINATION

BY MR. SPEAS:

Q. We have five minutes.

A. Great.

[197] Q. I'd like to talk to you about racially polarized voting for just a minute. And you discussed - you've been asked about racially polarized voting studies. What do you understand the purpose of those studies to be?

A. I'm not expert.

Q. Right. Neither am I.

A. And the only thing I can go on is the conclusions that come from the experts that say that racially polarized voting still exists today and especially at the time we enacted our maps in North Carolina.

Q. And do you know whether or not racially polarized voting exists everywhere in the United States?

A. I don't know the answer to that question.

Q. And based on your own experience, do you know that there are parts of the state where white citizens are more likely to vote for a black candidate than other parts of the state?

MR. PETERS: Objection.

SENATOR RUCHO: I don't know the answer to that question.

BY MR. SPEAS:

Q. But you know in Mecklenburg county, for example, that a number of black candidates have won Mecklenburg county as a whole on a regular basis [198] over the years since 1977 that you've been in Mecklenburg county?

MR. FARR: Objection.

You can answer the question.

SENATOR RUCHO: Of course, there are election results, but reality is – is it Dr. Funell –

BY MR. SPEAS:

Q. Brunell.

A. Brunell, excuse me, mentioned specifically that he has – and I'm – he ended up going along with what Dr. Block said that there still is racially polarized voting in Mecklenburg county.

Q. So let me ask the question this way, and this will be my last one: When you were serving in your role as chair of the Senate Redistricting Committee, did you determine that racially polarized voting existed across North Carolina without any difference across North Carolina's counties?

MR. FARR: Objection.

SENATOR RUCHO: I could only go on what was told by the experts to us.

BY MR. SPEAS:

Q. And that's what you understood from Dr. Brunell?

A. Well, Dr. Brunell and there was comments from [199] Dr. Block.

Q. And you, of course, never had the opportunity to talk to Dr. Brunell I believe you testified.

A. No, sir.

MR. SPEAS: Thank you for coming. There's some outstanding matters that might require us to get back together, but we'll let you know about that.

Senator Rucho: Thank you.

[SIGNATURE RESERVED]

[DEPOSITION CONCLUDED AT 3:41 P.M.]

EXHIBIT 5

[1] STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

COUNTY OF WAKE

---

11 CVS 16896
11 CVS 16940

MARGARET HICKSON, *et al.*,
Plaintiffs,

vs.

ROBERT RUCHO, in his official capacity only as the Chairman of the North Carolina Senate Redistricting Committee, *et al.*,
Defendants.

NORTH CAROLINA STATE CONFERENCE OF BRANCHES OF THE NAACP, *et al.*,
Plaintiffs,

vs.

STATE OF NORTH CAROLINA, *et al.*,

Defendants.

DEPOSITION OF GARY TARTLET

NC STATE, BOARD OF ELECTIONS

9:31 A.M.
WEDNESDAY, AUGUST 1, 2012

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[7] STIPULATIONS

It is hereby stipulated and agreed between the parties to this action, through their respective counsel of record:

1. That the deposition of the Gary Bartlett, may be taken on August 1, 2012, at 9:30 aim. in Raleigh, NC, before Denise Myers, CSR 8340, RPR

2. That the deposition shall be taken and used as permitted by the applicable North Carolina Rules of Civil Procedure.

3. That any objections of any party hereto as to notice of the taking of said deposition or as to the time or place thereof, or as to the competency of the person before whom the same shall be taken, are deemed to have been met.

4. That objections to questions and motions to strike answers need not be made during the taking of this deposition, but may be made for the first time during the progress of the trial of this case, or at any pretrial hearing held before any judge of competent jurisdiction for the purpose of ruling thereon, or any other hearing at which said deposition shall be used, except that objections to the form of the question must be made at the time [8]such question is asked or objection as to the form of the question is waived.

5, That the witness reserves the right to read and sign the transcript prior to it being sealed.

6, That the scaled original of the transcript shall be mailed First Class Postage Paid or hand-delivered to the party taking the deposition for preservation and delivery to the Court if and when necessary.

* * * *

[17] record.

THE WITNESS: I agree.

BY MS. EARLS:

Q. And then if you look at page 58, the question is: "So would you agree, then" – this is line 5 – "in the split counties – or the split precincts in Wake County that there would be less likelihood of some error on election day if we used the plan that looked more like Exhibit 66 than on 64," and you agreed with that.

A. Correct.

Q. And then that it would also involve less money spent on printing ballots?

A. That part has changed. Used to they would have to change a plate for every time there was a ballot style change. Now they've got digital printing where they're able to not have to do that change, but I can assure you that printing costs haven't gone down, they've gone up. Also, that price is controlled by the cost of paper at a given election, period.

Q. So when there are more ballot styles in a precinct, does it cost more to have the ballots ready for that precinct?

A. I would say slightly more, but not like it used to [18] be when they would have a $10 charge for each time they changed the plate.

Q. Then the third thing was a general question. If we look at page – the bottom of page 59, line 21, you were asked would it be easier for the Wake County Board to administer in a county without – in a district without split precincts, and you said, yes, it would be.

A. Correct.

Q. And then on the top of page 60, wouldn't you also agree that the counties would have an easier time knowing where their districts were in one plan as opposed to the other, and your answer was it would vary from candidate to candidate.

And then the question was that's true, that could depend upon the IQ of the candidate, but assuming we all had the same IQ –

You would generally agree, then, that would be the candidates would have an easier time knowing what their districts are if they have a district that doesn't have split precincts, and is that still true today?

A. It's still true. I would say that you have some candidates who learn their voting districts first and then there are others that lose an election and [19] file an election protest and still don't know where the boundaries are.

Q. And then also on page 60 you were asked whether given all the different ways that voters have of learning where their district is that voters -¬this begins at line 17 – voters will be more likely to know what district they resided in under a plan that would look like Exhibit 66 as opposed to Exhibit 64, and your answer was yes.

Is that still true today that voters would have an easier time knowing what district they're in if their entire precinct is in that district?

A. Yes, but one thing that I would like to add. As it relates to technology, we have abilities for the voter to not have to contact their county Board of Elections. They can use their phone, they can use their computer and they can find out where they're registered and what voting districts that they can participate in. That

was not available in – and they also have the sample ballot. That was not available in 2002.

Q. Well, there were sample ballots.

A. But not available by internet at State Board level.

Q. Do you know anything about the degree to which there is different access to internet across the [20] state of North Carolina, rural areas versus urban areas, low income households versus affluent households? Do you have any information about that?

A. I have no information. All I can tell you is my personal experience of Wake County Library, which my wife was chair of, has about 20 computers and they stay full. It's open to the public. And that tells me that there are a lot of people that have computers.

Q. And what's the telephone access that you mentioned? Is that you can call your local board to get that information?

A. You can – no. You can use the interne part of your phone to go to the State Board app.

Q. You're talking cell phone, not dialing a phone?

A. Yes.

Q. Okay. Thank you.

Then if you would take just a moment to look at pages 123 to 125.

A. (Witness complying.)

Q. There you're discussing the process by which – that's available when precincts are split to change what the precincts are. Can you explain whether that's still true today and in terms of how a local [21] county can deal with split precincts in a redistricting plan.

A. It has changed tremendously since then. What occurred in 2007 was the freezing of precincts that became the VTDs. And, of course, that was for redistricting purposes and research purposes. They're etched in stone and will not change.

And before that, we had a long period where the precincts were frozen and we were starting to get some large precincts, and the law was passed to give the county Boards of Elections the ability to either combine or split within that VTD as long as the election results were reported back to the VTD within 60 days after the election.

In our shop, we were given the task of now approving those lines and saying that they comply to law, whereas before it was given to the CIS part of legislative research and they would say, yes, this meets the law.

Now we have two people in our office that review the submissions for whether they comply with the statute or not and then it is brought to me for signature.

Q. So if I understand correctly, in 2007, every county reported all of their precinct lines to the Census [22] Bureau and those became VTDs for the Census?

A. What was the current precinct lines were the beginning of the VTDs.

Q. So in 2007, at least at some point initially, VTDs and precincts were exactly the same throughout the state?

A. Yes.

Q. So am I correct that all of the changes since then –

A. Is only to the precinct.

Q. Okay. So the VTDs have stayed the same and the only ways in which precincts are different from VTDs are those ways that local counties have submitted to you changes that they wanted to make?

A. Right. And it must be combined or dividing within that VTD. In other words, you cannot take a little street here and put it in another precinct like they used to previously.

Previously you could change precinct lines, and most of the time they would change precinct lines to try to conform with school board or commissioner districts or anything that keeps from having a different ballot style.

Q. I see. But now they really can't do that?

A. No.

[23] Q. And how – does that happen kind of on an ongoing basis, that is, counties come forward with we want to combine these two precincts or these two – I guess they would be combining two VTDs into one precinct, but they still would have to report the results by the VTD?

A. That's correct. Yes. There are some – in fact, we have got a business rule that you don't change 105 days before an election. And I have got about seven requests that we're going to have to tell them that's business after the election because that would lead to voter confusion.

Q. And is it more common that counties are trying to divide a larger VTD because population has made it too large for easy administration?

A. In the urban areas, yes. I'm talking in generalities, but in the rural areas they're combining.

Q. Because they're losing population?

A. Losing, And when I first came to the Board of Elections, you had a precinct as few as 16 and as many as close to 7,000. The range was just too much.

We tried to by administrative policy urge – and of course, this is still a county [24] decision – to try to keep the precincts between 1500 and 3,000. And of course, for the most part, that happened except in the exploding urban areas where population was gaining. Like, for instance, Johnston county just ballooned overnight, and there are other examples of a lot of new population.

But for the most part, that way of thinking changed when we started having no-excuse, in-person absentee voting, then it was early voting. Before we would have long lines at the polls. We have not had that problem of late, but it looks like that we're coming back to that era of long lines this coming election.

Q. What's contributing to that?

A. Fewer additional one-stop sites being planned by counties because of budget concerns.

Q. So when you said originally you had precincts that went from 16 to 7,000, you mean the registered voters –

A. That's correct.

Q. – in the precinct, some as small as 16 registered voters?

A. Yes.

Q. And some as large as 7,000 -

A. Yes.

* * * *

EXHIBIT 6

STATE OF NORTH CAROLINA IN THE
GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

COUNTY OF WAKE

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11 CVI 16896
11 CVI 15940

MARGARET DICKSON, *et al.*,
Plaintiffs,

vs.

ROBERT RUCHE, in his official capacity only as the Chairman of the North Carolina Senate Redistricting Committee, *et al.*,
Defendants.

NORTH CAROLINA STATE CONFERENCE OF BRANCHES OF THE NAACP, *et al.*,
Plaintiffs,

vs.

STATE OF NORTH CAROLINA, *et al.*,
Defendants.

DEPOSITION OF CHARLIE COLLICUTT
GUILFORD COUNTY BOARD OF ELECTIONS

11,31 AM.
THURSDAY, MARCH 15, 2012

GUILFORD COUNTY ATTORNEY
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[5] STIPULATIONS

It is hereby stipulated and agreed between the parties to this action, through their respective counsel of record:

1. That the deposition of CHARLIE COLLICUTT may be taken on Thursday, March 15, 2012, at 11:30 a.m. in Greensboro, NC, before Denise Myers, CSR 8340, RPR.

2. That the deposition shall be taken and used as permitted by the applicable North Carolina Rules of Civil Procedure.

3. That any objections of any party hereto as to notice of the taking of said deposition or as to the time or place thereof, or as to the competency of the person before whom the same shall be taken, are deemed to have been met.

4. That objections to questions and motions to strike answers need not be made during the taking of this deposition, but may be made for the first time during the progress of the trial of this case, or at any pretrial hearing held before any judge of competent jurisdiction for the purpose of ruling thereon, or any other hearing at which said deposition shall be used, except that objections to [6] the form of the question must be made at the time such question is asked or objection as to the form of the question is waived.

5. That the witness reserves the right to read and sign the transcript prior to it being sealed.

6. That the sealed original of the transcript shall be mailed First Class Postage Paid or hand-delivered to the party taking the deposition for preservation and delivery to the Court if and when necessary.

[7] CHARLIE COLLICUTT,

having been first affirmed by the Certified Shorthand Reporter and Notary Public to tell the truth, the whole truth and nothing but the truth, testified as follows:

EXAMINATION

By MR. FARR:

Q. Good afternoon, good morning, whatever. Could you please state your name for the record

A. Charles Collicutt is my name. I go by Charlie.

Q. Mr. Collicutt, my name is Tom Farr and with me is Alec Peters. We're representing the defendants.

We had served a subpoena in this case, and it's been marked as Exhibit 33.

Can the court reporter hand that to Mr. Collicutt and see if he's seen that before.

A. Yes, I'm familiar with that.

Q. Keep that with you because I want to ask you: Are you familiar with the Attachment A that's attached to Exhibit 33?

A. Yes, I am.

Q. And are you prepared today to address some of the questions that are listed on Attachment A?

A. Yes.

Q. So, first of all, Mr. Collicutt, how about telling me, are you employed?

[8] A. I'm the Deputy Director of the Guilford County Board of Elections.

Q. How long have you held that position?

A. Almost seven years.

Q. Did you have any prior job with the Guilford County Board of Elections before you became Deputy Director?

A. Yes. Since 2003 – 2003 until I became the Deputy Director I was the Early Voting Coordinator.

Q. Okay. Good. Was that the first job you had with the Guilford County Board or –

A. That was the first full-time job. I did some part-time menial labor around the office.

Q. When did you first start working with the County Board as a part-time employee?

A. 2002.

Q. So your first job was the director of early voting?

A. Yes.

Q. Could you explain to us what that entailed.

A. Yes. Early voting first started in 2002. The office pretty quickly realized that the administration of early voting was a lot to handle and they needed someone to specifically handle that, so I was brought in to do that.

At the time it – the job was to locate the

* * * *

[41] Q How many early voting locations did you have in the primary in 2008?

A. 12.

Q. Now, turn to Exhibit 35. That's the schedule and the map for the 2008 general election?

A. Yes.

Q. And how many early voting locations did you have for the 2008 general election?

A. 20.

Q. Do you have the same schedule and the corresponding maps for the 2010 general election and primary?

A. For 2010, yes, I do.

Q. Could you put those together for us so we could have those two exhibits marked. Let's do the primary first because that comes first. So the primary will be Exhibit 37.

(WHEREUPON, Exhibit 37 was marked for identification.)

BY MR. FARR:

Q. Exhibit 37 is the next exhibit. Exhibit 37 is the schedule and map for the May 2010 primary?

A. Yes.

Q. Does that exhibit show how many early voting locations that you had for the May primary in 2010?

A. Yes.

[42] Q. How many?

A. Eight.

Q. And then do we have the next exhibit, 38, which should be the schedule and the map for the 2010 general election, I hope?

A. Yes.

(WHEREUPON, Exhibit 38 was marked for identification.)

BY MR. FARR:

Q. So is Exhibit 38 a schedule showing the number of early voting locations for the 2010 general election with a corresponding map of those locations?

A. Yes.

Q. And how many early voting locations did you have in 2010 for the general election?

A. 11.

Q. Now, have you had – the County Board and Guilford County, have you developed an early voting plan for the 2012 May primary?

A. Yes.

Q. Do you have those documents with you?

A. I do.

Q. And the map?

A Yes.

[43] Q. Could we have that – for the May primary, could we have that marked as Exhibit 39.

(WHEREUPON, Exhibit 39 was marked for identification.)

BY MR. FARR:

Q. So am I correct to assume that Exhibit 39 is a schedule listing the early voting sites for the May 2012 primary and a corresponding map showing the locations?

A. Yes.

Q. How many early voting sites is Guilford County going to have for the May 2012 primary?

A. 11.

Q. Do you have a schedule and map for the 2012 general election?

A. No.

Q. Has the Board decided how many early voting locations it will have for the 2012 general election?

A. They have not voted on the plan or a number. They discussed it, but they have not conic to an agreement yet.

Q. Has the staff made a recommendation?

A. The staff – yes, the staff has. The way that we've done it is present various scenarios [44] depending on what the Board would like to spend am that type of

thing. We do anticipate having more sites than we did in 2008, but I'm not sure how many at this point.

Q. So your expectation – the staffs expectation is they are hoping the Board will approve more than 20 early voting locations for the 2012 general election?

A. Yes.

Q. Now, are you familiar with the criteria used for establishing precincts?

A. Yes. The criteria has changed with the rise of early voting, but I am familiar with the way that precincts were – the criteria for changing precincts prior to the popularity of early voting as well as what we do today.

Q. All right. So what's the timeframe for what you mean by "prior to the popularity"?

A. Okay. Approximately 2000 early voting started to change. It really changed the turnout on election day, and election day turnout was one of – was probably the primary criteria for looking at precincts to determine if they needed to be split.

Typically when a precinct was approaching – in a big election approaching 1200 [45] people showing up on election day or about 2000 registered voters in that precinct, we would start to investigate whether there were other good locations within that precinct so we could split that precinct.

Q. I forget. I'm sorry. Were you employed by the Board in 2000 –

A. No, I was not, but prior to this – I did read these questions in advance, but prior to this in 2002, 2003, 2004, I did discuss this and – with the director and

other staff and know that that was not necessarily policy but that was a criteria.

Q. I'm going to try to ask this question the best I can, but if I do a bad job let me know.

It's my impression that at least in other counties, precinct lines don't get changed very often and they can go back many, many, many years.

As of 2000, do you know how far back precinct lines had gone from the time they were first established to the way they looked in 2000?

A. I do not.

Q. Do you remember how many precincts Guilford county had in 2000?

A. I know that in 2002 — this is as far back as I can recall – there was 154.

[46] Q. And that compares to 165?

A. 165.

Q. This is not a guess or, you know, a test or anything, but do you know of the 154 precincts that were around in 2002 how many of them still remain today substantially unchanged?

A. Well, all of them except for the difference is those precincts we split, so the basic outline of all the precincts is the same. There are some splitting into two of those precincts, but of the 154 precincts from 2002, those have not substantially changed at all.

Q. Okay. So –

A. Except some of them split 1 guess is the way to describe is it.

Q. I think I understand what you're saying. In 2002 there were 154 precincts?

A. Uh-huh.

Q. You don't-know how far back those precinct lines were established, I take it?

A. No, I do not.

Q. Would George Gilbert know?

A. He would know. He's been employed since 1986 or '88 so he would be able to tell you more.

Q. And the change that has taken place from 2002 when [47] you had 154 to get to where you are now with 165 has largely been a few subdivisions of precincts that existed in 2002 based upon voter turnout?

A. Uh-huh. Yes. Yeah. The primary criteria was voter turnout, how many are actually showing up at the polls. Second was kind of the overall size of the precinct as far as registered voters go.

Once early voting started really to attract a lot of voters, we weren't seeing precincts that had 1200 voters any more, so that kind of went away as a criteria in the mid '90s – I mean mid 2000s.

Q. Is it a logical assumption on my part that the only change in the precincts is subdividing precincts that had very large voter turnout, does that not mean that you had only divided about five or six precincts since 2002?

A. That's correct.

Q. Do you know what the population or what the rang of registered voters is in the precincts in Guilford county?

A. I would – an average would be 2,000, some lower, some higher. The Board has consciously tried to keep relatively small precincts over time, and I think that's that's the number that they've targeted is approximately 2,000.

[48] Q. Do you know what the lowest number is?

A. We have one precinct that is just a – just a nursing home that may have 6- or 800, but that's an exception.

Other than that, I don't know. They all – they change, so I don't know, but that 2,000 really is a good mean number for that, but I don't know what the highs and lows are.

Q. Is that information available?

A. Yes.

Q. So you have a chart that would show the number of registered voters in each precinct?

A. Yes.

Q. Would you have that for 2002?

A. I can see how far back I can go on that. We should have that to 2002.

Q. Okay. All right. And are you aware of any problems that exist with voters not yet being assigned to their proper districts?

A. No.

Q. Do you believe that all the voters in Guilford county have been assigned to their proper districts?

A. Yes.

Q. I'll pass the witness to the plaintiffs' counsel at

* * * *

EXHIBIT 7

[1] STATE OF NORTH CAROLINA IN
THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

COUNTY OF WAKE

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11 CVS 10896
11 CVS 16940

MARGARET DICKSON, *et al.*,
Plaintiffs,

vs.

ROBERT RUCHO, in his official capacity only as the Chairman of the North Carolina Senate Redistricting Committee, *et al.*,
Defendants.

NORTH CAROLINAS STATE CONFERENCE OF BRANCHES OF THE NAACP, *et al.*,
Plaintiffs,

vs.

STATE OF NORTH CAROLINA, *et al.*,
Defendants.

DEPOSITION OF KELLY DOSS
GUILFORD COUNTY BOARD OF ELECTIONS

10:05 A.M.
THURSDAY, MARCH 15, 2012

GUILFORD COUNTY ATTORNEY
301 WEST MARKET STREET
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GREENSBORO, NC 27401

---

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Also Present: Charlie Collicutt

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[5] STIPULATIONS

It is hereby stipulated and agreed between the parties to this action, through their respective counsel of record:

1. That the deposition of KELLY DOSS maybe taken on Thursday, March 15, 2012, at 10:00 a.m. in Greensboro, NC, before Denise Myers, CSR 8340, RPR.

2. That the deposition shall be taken and used as permitted by the applicable North Carolina Rules of Civil Procedure.

3. That any objections of any party hereto as to notice of the taking of said deposition or as to the time

or place thereof, or as to the competency of the person before whom the same shall be taken, are deemed to have been met.

4. That objections to questions and motions to strike answers need not be made during the taking of this deposition, but may be made for the first time during the progress of the trial of this case, or at any pretrial hearing held before any judge of competent jurisdiction for the purpose of ruling thereon, or any other hearing at which said deposition shall be used, except that objections to the form of the question must be made at the time [6] such question is asked or objection as to the form of the question is waived.

5. That the witness reserves the right to read and sign the transcript prior to it being sealed.

6. That the sealed original of the transcript shall be mailed First Class Postage Paid or hand-delivered to the party taking the deposition for preservation and delivery to the Court if and when necessary.

[7] KELLY DOSS,

having been first affirmed by the Certified Shorthand Reporter and Notary Public to tell the truth, the whole truth and nothing but the truth, testified as follows:

EXAMINATION

BY MS. EARLS:

Q. Would you state your full name, please.

A. My name is Kelly Doss.

Q. And my name is Anita Earls. I'm an attorney. I represent the plaintiffs in one of two lawsuits that have been filed over the statewide redistricting plans.

Next to me is Caroline Mackie who represents another set of plaintiffs. And then next to her is Alec Peters who represents all of the defendants in the case and Tom Farr who represents legislative defendants in the case, so just so you know who we all are.

First, let me ask: Have you ever been deposed before?

A. No.

Q. If I ask a question that you don't understand, it's just important that – please let me know that you don't understand the question. We are going to try to get through – several of us have a court [8] hearing at 12:30 today and we're going to try to get through, but if you need a break, let me know.

A. Okay.

Q. And can I ask you, be sure to only give verbal answers. So when you nod your head –

A. I'm sorry.

Q. We all do it. If you only nod your head, the court reporter won't record it.

A. Okay.

Q. Similarly, it's important that you let me finish my question and that we not talk over each other, so I ask you to remember to wait until I finish the question before you start your answer,

A. Okay.

Q. Finally, I want to say if I ask you a question and it would help you to answer the question to refer to a document either to refresh your memory or to illustrate your answer, just let me know what

document you'd like to look at and I'll make sure you have it.

A. Okay.

Q. Ms. Doss, how are you employed?

A. I am the Elections Technical Specialist with the Guilford County Board of Elections.

Q. And I want to mark this as Exhibit 23.

* * * *

[13] A. It is a statewide system. I just have access to what Guilford County has, however.

Q. Did you bring any documents with you today?

A. I brought some maps and some kind of looking at how the precincts have changed over the years and also the previous and the current State House, State Senate and U.S. House maps, if you all needed them.

And then also it just said to bring any e-mails, documents, anything pertaining, so anything that I got in dealing with redistricting I've printed them out and brought.

Q. I'd like to mark those as exhibits and then we can talk about them as they become relevant.

A. These are the precinct maps. They're the same thing.

Q. So I am going to – can we mark this as Exhibit 24.

A. That's just the history of the precincts in the county. They're the same thing.

MR. FARR: 24 includes the history of the precincts?

MS. EARLS: I'll ask.

(WHEREUPON, Exhibit 24 was marked for identification.)

BY MS. EARLS:

Q. I'm handing you what I've marked as Exhibit 24.

[14] Can you just describe for us what that is?

A. This shows how the precincts have changed from – the earliest I was able to get in GIS was from 1994, and that just shows how they've changed over the years up until the present precincts.

Q. I am just going to – she brought two copies, so we've marked one officially.

MR. FARR: You can keep it if you need it.

MS. EARLS: Thanks.

BY MS. EARLS:

Q. Then what's the next?

A. This whole pack here is all e-mails, anything that I've gotten from the State, correspondence with George that has any information that I have regarding instructions for redistricting.

Q. And is this just – there's only one copy of each document in the packet you just handed me?

A. Yes.

Q. Okay. I have a packet that has a number of different pages, so I'm thinking that the best thing to do –

A. I've kind – the paper clips, they're kind of divided up into whether it be e-mails or stuff that I've gotten from the State showing what districts we should have.

[15] MS. EARLS: I think that it's okay to leave it clipped and just have the whole thing be one exhibit, if that's okay, or I can go through them one by one.

BY MS. EARLS:

Q. What else – is there anything else you have? Just the maps of the districts?

A. Just the maps of the districts. This is the things that you all provided to me.

Q. So I think I will go through them one by one of the packet you've just handed me just so we know what we have.

The first that you paper-clipped together can I mark this as 25.

(WHEREUPON, Exhibit 25 was marked for identification.)

BY MS. EARLS:

Q. So I am handing you a set of or three documents that you've paper-clipped together and marked as Exhibit 25. Can you tell me what those are?

A. Okay. The first is an e-mail that we received from Bob Hall that just talks about the splits that we do have, the fact that we do have what Bob considered an excessive amount of splits.

And then they also sent me the – this was [16] sent from the State about the splits that they show and this was before we started the redistricting.

Q. When you say "they," who -

A. The State.

Q. The State Board of Elections?

A. Uh-huh. And what is attached with that is what I came up with for the splits based on those GIS to show that they matched what the State had.

Q. Okay. Thank you.

Then this is Exhibit 26.

(WHEREUPON, Exhibit 26 was marked for identification.)

BY MS. EARLS:

Q. Exhibit 26 is just a one-page document. Can you tell me what that is?

A. This was information from the State Board of Elections conference where they discussed geocoding and redistricting and how we were supposed to do that, and this just shows some links from YouTube videos showing what we should be doing as far as redistricting.

Q. Thank you.

(WHEREUPON, Exhibit 27 was marked for identification.)

BY MS. EARLS:

[17] Q. Next handing you a two-page document marked Exhibit 27. Can you tell me what that is?

A. This is a memorandum from the State Board of Elections. The subject is Procedures for Handling Redistricting Changes in SEIMS. SEIMS is the software that we use, the election software that the State uses, and it just explains what we're supposed to do in the geocode module which is the street database.

MR. FARR: May I ask a question? Is that part of Exhibit 26?

MS. EARLS: This is Exhibit 27.

MR. FARR: Thank you, Anita. I'm sorry.

(WHEREUPON, Exhibit 28 was marked for identification.)

BY MS. EARLS:

Q. Next, Exhibit 28 is a two-page document. Can you tell me what that is?

A. This is an e-mail from the State Board of Elections again that shows how – if we – some of the counties do not have GIS available to them so this shows ways that they can go to a web page or the public can also go to look at redistricting.

(WHEREUPON, Exhibit 29 was marked for identification.)

[18] BY MS. EARLS:

Q. I'm handing you another two-page document that's marked as Exhibit 29. Can you tell us what that is?

A. This is similar to the previous document in that its just an e-mail from the State telling us where we can go to get audit data for the redistricting and where that's available, their files are available.

(WHEREUPON, Exhibit 30 was marked for identification.)

BY MS. EARLS:

Q. Exhibit 30 is a 23-page document, Can you tell us what that is?

A. This was put out by the State Board of Elections. It's called the SEIMS/GIS 2012 Redistricting Project Instructions, and that is, it tells

you where to go to download data, how to analyze that data and any steps for converting that data into an Excel format so that we can review the redistricting in that format as well.

Q. I want to get a little background information first. First I want to understand in Guilford County the difference between precincts and VTDs.

A. Okay.

[19] Q. Can you tell me how many VTDs there are in Guilford county? Do you know?

A. Okay. We have 165 precincts and then there is going to be — I believe it is 161 –

Q. 161?

A. – Voting Tabulation Districts, VTDs.

Q. And what's the – what accounts for the difference between the number of VTDs and the number of precincts?

A. Okay. The Voting Tabulation Districts were put in place by the State in 2008 so that they're not subject to change in the future. We cannot change the VTDs. And they did that so there would be a commonality in the years for election results that people can look at to compare election results over the years.

And originally we had 165 precincts. However, some of those precincts there are stipulations to them like – for an example, one of the precincts is divided into 042-A and 042-B – I'm sorry. A VTD is 042 and the precincts 042-A and 042-B, and that is just because 042-B is just a nursing home, and that's why it was established just for that nursing home.

And the State does not recognize that as – [20] you know, under their guidelines as being a Voting Tabulation Districts, so they just have G42.

And in all of the situations it's just they don't recognize the splits that we have either because it doesn't follow their definition of what a Voting Tabulation District is, if it doesn't follow some sort of physical boundary, so there's just – the only difference is that some of the Voting Tabulation Districts are just split in two precincts.

Q. And did that – did those splits happen after 2008 when the VTDs were established?

A. No. Those precincts were already in place and the State in going through and creating the Voting Tabulation Districts just said we don't have information that shows that this can be a Voting Tabulation District based on the definition of what that is so they've just combined those precincts into one.

Q. And am I right, then, if you're that then there have not been any changes in the precincts since 2008?

A. No.

Q. So following the release of the 2010 census data and the redistricting that was done, how many 20 [21] different sets of redistricting plans have you had to assign voters to?

A. Okay. There was the U.S. Congressional. There was NC Senate, NC House, county commissioner and the Guilford County school board and that was all.

Q. Did the county commission and school board redistricting plans involve split precincts?

A. No.

Q. Can you explain how you go about assigning voters to districts when there's – when there's no split precincts?

A. Within the geocode, the street database module, we can just pull up everybody who was within an entire precinct, all of the streets within that precinct, do what is called a group jurisdiction change where we go in and say, okay, everybody – all of the streets that are in this precinct, were just going to change to another district, so it's a one-step process.

Q. And how long does it take to do that?

A. For – if I were – just a matter of a few hours just going through and changing because we have 165 precincts that we have to review, so just going through and doing each of those and changing those, but it's just a one-step batch process for each [22] precinct.

Q. Then how do you or let's first establish for the Congressional – U.S. Congressional, Senate and House plans, were there split precincts in those redistricting plans?

A. Yes, in all of them.

Q Can you explain how you go about assigning voters when a precinct is split?

A. Okay. How this works with the GIS is that I go in and bring up in the State software, in the street database, all of the streets that are within a precinct and I put them alphabetical, and then I can go into the GIS and select a precinct and then select all of streets within that precinct and then also bring up – put it in an alphabetical list, and I just compare the GIS to the street database street by street, range by range, and would just look at the different districts that that street is supposed to be in. If the street happens to be

split, I have to split the range for that so I can assign them to their correct districts.

Q. And did you – in doing this for Guilford County, in any of the three plans did you encounter any situations where the split of the precinct didn't follow a street completely?

[23] A. Yes, because when they do these, they have to go by the census block lines when they follow, and so in some instances the census block lines were not along a street. It may have – in one instance it kind of – and I could never find what the physical feature was, but there was an instance where it, you know, cuts parcels into – you know, along one side of a street.

Q. I'm going to come back to that in a minute, but let me ask you: Do Guilford county precinct lines follow streets?

A. No, and they do not have to. The thing is they have to follow some sort of physical feature that can be recognized. It can be a walking path. It can be an electrical easement. It doesn't necessarily have to be a street. It can be a creek.

Q. Do any of the existing precinct lines divide parcels?

A. That's something I would have to check on. Just thinking about it, I wouldn't say divide parcels, but it would separate like, say, neighbors from each other that live on the sane side of a street.

Q. Did you have split precincts in the prior redistricting plans?

[24] A. Yes.

Q. And how would you compare the number that you had – the number of split precincts in the prior

redistricting plans to the number in the new redistricting plans?

A. In the older redistricting plans, we, George and I, calculated it was in the 30s. I don't remember the exact number. And George Gilbert put an affidavit that has this information on it.

And then in the current redistricting plan I believe there are 54 split precincts is what we found – or 54 splits, not split precincts.

Q. Can you describe for me what you did when you had to assign voters in a split precinct and the census block line didn't follow a street or a physical boundary? How did you decide to assign the voters?

A. Just where the district line fails – like I said, the street database is based on a street range.

Just for example, you have a street that's a 100 block. It goes from 100 to 120, the addresses on that street, and the district line goes through the middle. I just have to look – I bring up an orthophoto. or an aerial photograph with the GIS and look at the parcel lines and where the house is, and you basically have to split the

* * * *

EXHIBIT 8

STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

COUNTY OF WAKE

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11 CVS 16896
11 CVS 16940

MARGARET DICKSON, *et al.*,
Plaintiffs,

vs.

ROBERT RUCHO, in his official rapacity only as the Chairman of the North Carolina Senate Redistricting Committee, *et al.*,
Defendants.

NORTH CAROLINA STATED CONFERENCE OF BRANCHES OF THE NAACP, *et al.*,

Plaintiffs,

vs.

STATE OF NORTH CAROLINA, *et al.*,
Defendants.

DEPOSITION OF CHERIE BOUCHER WARE
COUNTY BOARD OF ELECTIONS

1:52 P.M.
TUESDAY, MARCH 27, 2012

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[6] STIPULATIONS

It is hereby stipulated and agreed between the parties to this action, through their respective counsel of record:

1. That the deposition of CHERIE POUCHER may be taken on Tuesday, March 27, 2012, at 1:52 p.m. in Raleigh, NC, before Denise Myers, CSR 8340, RPR.

2. That the deposition shall be taken and used as permitted by the applicable North Carolina Rules of Civil Procedure.

3. That any objections of any party hereto as to notice of the taking of said deposition or as to the time

or place thereof, or as to the competency of the person before whom the same shall be taken, are deemed to have been met.

4. That objections to questions and motions to strike answers need not be made during the taking of this deposition, but may be made for the first time during the progress of the trial of this case, or at any pretrial hearing held before any judge of competent jurisdiction for the purpose of ruling thereon, or any other hearing at which said deposition shall be used, except that objections to the form of the question must be made at the time [7] such question is asked or objection as to the form of the question is waived.

5. That the witness reserves the right to read and sign the transcript prior to it being sealed.

6. That the sealed original of the transcript shall be mailed First Class Postage Paid or hand-delivered to the party taking the deposition for preservation and delivery to the Court if and when necessary.

CHERIE POUCHER,

having been first affirmed by the Certified Shorthand Reporter and Notary Public to tell the truth, the whole truth and nothing but the truth, testified as follows:

EXAMINATION

BY MR. FARR:

Q. Could you please state your name for the record.

A. Cherie Poucher.

Q. Ms. Poucher, we've met before.

A. Yes.

Q. My name is Tom Farr. I'm an attorney for the legislative defendants in the redistricting cases that are pending in the Wake County Superior Court.

With me today is Alec Peters. I think you know Mr. Peters. He's my co-counsel, or I'm his co-counsel I think is a better way to say it.

And plaintiffs counsel are here, and they all, I think, will introduce themselves later in the deposition if they ask questions.

A. Okay.

Q. Have you ever been in a deposition before?

A. No, I have not.

Q. And were you here today for the deposition of Mr. Sims?

A. Yes, I was.

* * * *

[33] largest primary turnouts we ever had.

Q. In 2008?

A. Yes. We anticipated that and staffed accordingly.

Q. But I don't want you to guess or speculate, but do you know of the people who voted in the May 2008 primary what percentage of the total vote was east in early voting? Don't guess if you don't know.

A. No.

Q. Would that be the same answer if I asked the same question for the 2008 general election?

A. For the general election, no. We still are reliving that election. We had over 275,000 people vote early

and approximately 170 some thousand vote on election day.

Q. Okay. And do you recall the figures for the early voting for 2010 May primary?

A. No, I don't.

Q. What about the 2010 general election?

A. Not as high as it was in 2008, but we had a different number of early voting sites dependent upon the type of election it is, so we did not have the same number of early voting sites in 2010 that we had in 2008.

The other thing that will cut down on that, we had the advantage in 2008 of using two shopping [34] malls and it was – the voters loved it, but there was no electioneering allowed on the mall property, so that law was changed that an early voting site had to allow electioneering to be an early voting site, and malls and most large retail areas that we looked at renting would not allow that so now we're looking at larger community centers.

So early voting will still be a heavier portion, but I'm not sure it will compare to 2008.

Q. Okay. Let me ask you this question: Do you remember how many early voting sites you had in 2008 in the primary?

A. Eight.

Q. And then how many did you have in the general election?

A. 15.

Q. And then how many early voting sites did you have in the primary in 2010?

A. Eight.

Q. And how many early voting sites did you have in the general election for 2010?

A. I think we had eight. That I would have to, check on. I am thinking eight to 12 and that was because it was an off-year election.

Q. I was going to ask that question. Why did you have [35] more sites for early voting than the 2008 general election as compared to the 2010 general election?

A. Highest voter turnout in Wake county is in presidential years, and we plan accordingly. That is one of the cost-effective measures, and as each election goes on – as Mr. Sims said, the growth in the county is tremendous. We have very large precincts, and we try to put early voting sites in high voter number areas to alleviate any lines.

Q. Do you have – do you know how many early voting sites you're going to have for the 2012 primary?

A. Eight.

Q. So that's the same as you did in all three of the –

A. That's correct.

Q. – the other two elections we talked about?

A. I will correct myself. I think we only had four – four in the 2010 primary, eight in the 2010 general.

Q. So you're going to have eight early voting sites for the May primary 2012?

A. That is correct.

Q. Do you know how many early voting sites you're going to have for the general election in 2012?

A. We're requesting funding for up to 30. If we find [36] a large facility, we would use the resources. One large could equal two to three smaller ones so that's why we say up to 30.

Q. That's not been adopted yet?

A. That is correct. We have – my Board has unanimously submitted the early voting plan for the primary, but we have not gotten the budget approval process through the county commissioners for November.

Q. All right. Now, Mr. Sims – I forget the number, but how many precincts do you have in Wake county?

A. 200.

Q. Do you know what the range is in terms of the number of registered voters that are in the smallest precinct compared to the largest precinct?

A. It can go to – from 1500 up to maybe 9,000.

Q. So, Ms. Poucher, you know when the legislature redistricts one of the things they do is they got to make the districts have roughly equal population. Do you understand that?

A. Yes.

Q. Does Wake County redistrict its precincts to try to equalize the population in the precincts every ten years when the census comes out?

A. No. We've never done that during my tenure.

[37] Q. Do You know of the 200 precincts, do you have–this is going to be a hard question to answer, but I'll try to make it better if you don't like it.

But the boundaries of the 200 precincts, do you know how far back those boundaries go? Do they go back 20 years, 30 years?

A. I have a document, it's a running document that we keep every time we create a precinct that goes back into the '90s.

Q. Do you have that with you?

Mark this as Exhibit 124.

(WHEREUPON, Exhibit 124 was marked for identification.)

BY MR. FARR:

Q. Can you tell us what Exhibit 124 is, Ms. Poucher?

A. Yes. This is a document that we started in our office in probably the mid 19 well, one of them is 1994. And what we had found is any time we change a polling place or we change a precinct, you're losing historical data, and so prior to the Voting Tabulation Districts we felt it was important to put together a document of what the precinct was, what it was changed to and when.

More so when the law changed that once you used a precinct number, if you created two [38] precincts from that precinct, you could not use that old number again. It was gone.

And so this document helped tremendously when – and including, you know, if we had any questions, people were looking for a precinct that someone voted on in 2004 but that precinct isn't even in our records any more, we could go to this document and state that precinct is no longer in use, it was split and it has

become -- and, for instance, I'll say if you're looking for precinct 13-03, we created two precincts from 13-03.

So if you're looking in our old data prior to 2007, you're going to have 13-03. Anything after 2007 you're going to have Precinct 13-08 and 13-09 but there will be no more 13-03.

Q. Okay. Now could you pick out for me one of the precincts that hasn't changed since 1994.

A. 01-01. The only thing that changed was the polling place moved.

Q. And that's the first precinct listed on the document?

A. Correct.

Q. Can I see that for a second.

A. Look around the periphery of the county, that's where the growth has been. So if you look at the [39] Cary, Apex, Knightdale, Wake Forest areas, that's where the growth has been. That's where the precincts have been created.

Q. So on Exhibit 124, if you look at Precinct 01-01, the precinct lines haven't changed but the polling place has been moved one time?

A. That's right.

Q. From Jaycee Center to Brooks Avenue Church of Christ?

A. Yes.

Q. Can you look at this and tell me how many of the precincts haven't had the precinct lines changed since 1994?

A. Not without taking the time to count them.

Q. How long will it take you to do that?

Let me ask it this way: We'll let you go through it and look at it if you want to do that, but do you have an idea of how many precincts are the same as they were in 1994?

A. The majority.

Q. So a majority of the precincts have not had their precinct lines changed since 1994?

A. Yes. As I said, if you think of Wake county, the Raleigh area has pretty much stayed the same.

Q. The Raleigh precincts have stayed the same?

[40] A. Correct. But when you get to the outlying area, all of Wake Forest, Rolesville, Wendell, Knightdale, all the way down Fuquay, Holly Springs Apex, Cary, that's where the growth is. That's where the precincts started getting so top heavy and North Raleigh.

Q. Yes, I'm told some people don't consider that part of Raleigh so I can see your distinction.

A. From – what is it – from Midtown north is where the growth has been. Those are like the precincts 07s, the 08s, the 02s. That's pretty much north of Spring Forest Road. That's where so much of the growth is. Those are the precincts that have changed.

Q. When you change a precinct's boundaries, what criteria do you use –

A. We've never –

Q. – in Wake county?

A. Prior to the 2000 census, we could take three precinct boundaries and make them four or five prior to the freeze for the 2000 census.

The easiest way to explain it, and I am not a drawer. Here you have a precinct there, there, there and there. You say, okay, they're all the same but some of these are top heavy.

[41] Q. You mean they have more population, more registered voters?

A. More registered voters. And down here, that one is real low. So let's see, we have one, two, three, four, five – if we make seven, if we divide this seven ways, erase all of these lines and start over, it's going to equal that number of voters.

We were able to do that prior to 2000. We're not able to do that in 2010 because, like Mr. Sims says, now if we moved any of the outer boundaries, that's going to create additional work in the precincts for those officials, number one, snaking sure, okay, you've got another precinct's voters coming in, VBT voters coming into your VBT.

Then an additional –

Q. VBT?

A. Voter Tabulation District.

Q. Let me see if I can clarify this a little bit. In 2008 did the legislature pass a law that froze the VTD lines?

A. Yes.

Q. And those – that law was based upon the precinct lines as they existed in 2008?

A. Yes.

Q. And from 2008 forward are you allowed to divide – [42] under this law can you divide VTD lines in forming new precincts?

A. You can combine precincts and you can combine Voting Tabulation Districts but you still have to report by Voting Tabulation Districts.

Q. But you can divide a VTD into two precincts, could you not?

A. That is correct.

Q. And the VTDs relate to reporting election results?

A. That is correct, and that's for historical data.

Q. And prior to 2008 there was no such law that required you to respect VTD lines in the creation of new precincts?

A. That's correct.

Q. All right. Now within a VTD today, if you're going to divide a VTD into two districts, what criteria do you use to do that?

A. Number of voters. First you look at the number of voters in that entire VTD, Voting Tabulation District. First criteria is looking at the number of voters. Second, of course, as Mr. Sims said, is funding. Then looking for a sufficient polling place that meets all the ADA requirements, then looking at – we only look at number of voters, where can we redraw a line within that Voting [43] Tabulation District to equalize those numbers.

One of the reasons – besides the fact we didn't get the funding from the county commissioners, one thing that has to be considered now is voting equipment because for the type of equipment that we use, the

M100, they are no longer manufactured. The next step up equipment has not been certified through the federal government, therefore, it can't be used in the state.

So the equipment that we purchased this summer was refurbished equipment, so that's an added layer that we have to look at if we create a precinct. We have chosen to try to have additional early voting sites.

Q. But my question is, Ms. Poucher: Is there any criteria that restricts or limits how you actually drew the precinct line?

A. No.

Q. Is the State Board of Elections given you – other than respecting the VTDs, I got that part, but if you're doing this within a VTD, is there any criteria that tells you how you have to draw the precinct line if you're splitting a VTD?

A. None.

Q. So has the State Board ever told you if you split a [44] VTD you have to make sure that the two new precincts are compact?

A. No.

Q. Have you ever gotten criteria like that?

A. No.

Q. Have you ever gotten a criteria from the State Board saying that you must respect communities of interest in drawing new precinct lines?

A. Not that I rceall.

I think you have the memo already. I believe this was already put into –

Q. Let's go ahead and mark it.

A. What exactly is a VTD.

MR. PETERS: I'll look through here.

(WHEREUPON, Exhibit 125 was marked for identification.)

MR. PETERS: You've got something else from her.

THE WITNESS: I think it's the same one.

BY MR. FARR:

Q. I'm not sure if this has been marked as an exhibit already, but just for clarification, can you tell us what Exhibit 125 is.

A. This is a memo that came from Sallie Diener at the State Board of Elections. It's dated February 12, [45] 2008, and pretty much it is an explanation of what exactly is a Voting Tabulation District, and what they're discussing is a law passed by the General Assembly to maintain consistent geography for the next redistricting era without imposing more undue burdens on election boards, so that explained why we were moving from just reporting precincts to VTDs.

Q. Are you aware of any problems that haven't been resolved regarding the assignment of voters for the 2012 election?

A. No, I'm not.

Q. Do you think the Wake county voters – all Wake county voters have all been properly assigned to the right districts based upon the information available to you?

A. To the best of our ability, yes.

MR. FARR: I am going to pass you to Mr. Peters now.

EXAMINATION

BY MR. PETERS:

Q. Hello, Ms. Poucher. I've got just a few questions primarily for the purpose of clarifying or making sure I understood a few things you said in response to Mr. Farr's questions.

[46] First off, I believe you referred to Wake county having very large precincts.

A. Correct.

Q. I just want to make sure I understand what you mean when you say very large precincts. What do you mean by that? Are you in comparison with other counties or what do you mean?

A. Not only – you have to understand some of our precincts could have more voters than some other counties in the state because of our size.

Because of the type of equipment that we have and because of the continued increase in absentee by mail and early voting, I used to think a large precinct was 3,000.

We look at how efficient can our operation be with X number of voters to avoid long lines on election day. Therefore, if a precinct has 5,000 plus voters but we are in a huge gymnasium and we can set up ten tables for registration officials, there may be a large number of voters in that precinct but were going to be able to process them because of the size of that building.

If you are in a small fire station, you do not want – that would be a precinct we would go to our Board and

say this facility cannot accommodate [47] that number of voters and that's when we would look at it.

So it's over 5,000 dependent upon the size of the polling place facility.

Q. Okay. And I believe with regard to Exhibit 120, which I'll show you again, and that's the 2008 primary composite sample ballot. And I believe you said there were 12 ballot styles for that.

A. Yes.

Q. Do you recall whether there was a constitutional amendment on the ballot at that point?

A. No, there was not.

Q. Am I correct that had there been a constitutional amendment on the ballot for the May primary that that would have doubled the number of ballot styles you would need?

A. That is correct. That would be 24.

Q. And that's because of the 17-year-olds issue?

A. Yes.

Q. Thank you. And Exhibit Number 123 which is the sample ballots I believe for the 2010 general election; is that correct?

A. Yes.

Q. And I believe you said there was 35 ballot styles for that election.

[48] A. That is correct.

Q. Since it's 2010, obviously no statewide elections on ballot that year; is that correct?

A. Right.

Q. Do you recall if there were any municipal elections being held that year?

A. I do not believe there were. If there had been, there would have been mother column on here.

Q. Are there any municipalities in Wake county that would hold their election in even numbered years, hold municipal elections in even numbered years?

A. All municipalities in Wake county are not partisan – or non-partisan held in odd numbered years, however they have elected to have a bond referendum in November 2012.

Q. So there could be a bond referendum?

A. We know of two.

Q. What about in 2010, do you know if there was a Superior Court race?

A. No, there was not.

Q. Is there a Superior Court race this year?

A. Yes, there is.

Q. In all the districts or just –

A. Two or three.

Q. What about school board and county commission, do

* * * *

EXHIBIT 9

[1] STATE OF NORTH CAROLINA IN THE
GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

COUNTY OF WAKE

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11 CVS 16896
11 CVS 16940

MARGARET DICKSON, *et al.*,
Plaintiffs,

vs.

ROBERT RUCHO, in his official capacity only as the Chairman of the North Carolina Senate Redistricting Committee, *et al.*,
Defendants.

NORTH CAROLINA STATE CONFERENCE OF BRANCHES OF THE NAACP, *et al.*,
Plaintiffs,

vs.

STATE OF NORTH CAROLINA, *et al.*,
Defendants.

DEPOSITION OF
THEODORE S. ARRINGTON, Ph.D.

8:31 AM.
TUESDAY, MAY 15, 2012

OGLETREE DEAKINS NASH SMOAK 5 STEWART
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[5] STIPULATIONS

It is hereby stipulated and agreed between the parties to this action, through their respective counsel of record:

1. That the deposition of THEODORE S. ARRINGTON Ph.D., may be taken on May 15, 2012, at 8:30 am in Raleigh, NC, before Denise Myers, CSR 8340, RPR.

2. That the deposition shall be taken and used as permitted by the applicable North Carolina Rules of Civil Procedure.

3. That any objections of any party hereto as to notice of the taking of said deposition or as to the time

or place thereof, or as to the competency of the person before whom the same shall be taken, are deemed to have been met.

4. That objections to questions and motions to strike answers need not be made during the taking of this deposition, but may be made for the first time during the progress of the trial of this case, or at any pretrial hearing held before any judge of competent jurisdiction for the purpose of ruling thereon, or any other hearing at which said deposition shall be used, except that objections to the form of the question must be made at the time [6] such question is asked or objection as to the form of the question is waived.

5. That the witness reserves the right to read and sign the transcript prior to it being sealed.

6. That the sealed original of the transcript shall be mailed First Class Postage Paid or hand-delivered to the party taking the deposition for preservation and delivery to the Court if and when necessary.

[7] THEODORE S. ARRINGTON, PhD.,

having been first affirmed by the Certified Shorthand Reporter and Notary Public to tell the truth, the whole truth and nothing but the truth, testified as follows:

EXAMINATION

BY MR. FARR:

Q. Would you please state your name.

A. Theodore S. Arrington.

Q. And you are a doctor; is that correct?

A. That's correct.

Q. May I refer to you as Dr. Arrington?

A. You may.

Q. Dr. Arrington, my name is Tom Farr, and I'm one of the attorneys for the legislative defendants in the redistricting lawsuits that are pending in North Carolina, and I understand you've been retained by the plaintiffs to testify as an expert witness in this case; is that correct?

A. Yes.

Q. So I'm here to ask you some questions about your testimony and some other matters. You know, I've had great respect for your expertise.

A. Thank you.

Q. I'm very familiar with your background, and if I – I may ask a question in an awkward manner or [8] in an inartful manner, and if you don't like my question or if you don't understand it, would you ask me to rephrase it?

A. I will.

Q. I figured you would.

So, Dr. Arrington, I've looked at your resume, but there may be a judge reading this deposition at some point in time, so if you could just give a short summary of your professional background.

A. Sure. I took my Baccalaureate degree in Political Science at the University of New Mexico, my Master's and Ph.D. at the University of Arizona, and then I came to North Carolina as an Assistant Professor of Political Science at UNC Charlotte.

I spent 37 years there, including going on through the ranks to full professor, and served as chair of the department for 18 years and was president of the faculty for a year, and before I retired was president of

the North Carolina Political Science Association and published various articles in referced journals and then also participated-in a number of voting rights cases starting with the Gingles case.

Q. Okay. You have been engaged before as an expert

* * * *

[105] are fairly stable, they don't change all that often.

A. That's my experience, yes, because it disorients people, and so you try to keep those lines the same and you only change them because the administration of the election process requires you to do so. As, for example, when it gets too large or when a new something changes in the physical environment, for example, somebody puts a free way right through the middle of your precinct, you've got to do something.

Q. Do precincts ever divide neighborhoods or communities?

A. Yes, necessarily they will sometimes do so, that's correct. You try not to do that because you try to use major jurisdictions as the boundaries, but neighborhoods then change and particular neighborhood, as the people there define it, may then slop across the precinct lines and you've got that kind of division. Some defined neighborhoods are larger than one precinct, so yeah, sometimes.

Q. So you're familiar with Mecklenburg county. Are there examples of where African American neighborhoods and communities have been divided by precinct lines?

[106] A. Oh, I'm sure there are. I don't have any examples in my mind, but I'm sure there are. Again, some of those black communities are much larger than

a single precinct, and in terms of where you can find a voting place and so forth may very well get you to the situation where you simply have to do that, but you try to avoid it.

Q. Have you studied the turnout for early voting in North Carolina?

A. I think studied is too strong a word. I am aware – I have been aware that it's constantly an increasing factor in that we had, in fact, record turnouts in the primary, early voting. That's true across the country.

Q. Do you have any knowledge of if you took the total percentage of African Americans who voted in, say, the general election of 2008, do you know what percentage voted in early voting?

A. I don't have the percentage in my head, no. It was relatively large. The Obama campaign put a lot of effort into early voting.

Q. And I don't know if you're following the papers or if this is something you pay attention to, but do you know what the turnout was like for early voting in the May 2012 primaries?

[107] A. It was record high according to a report I read from Mr. Hall.

Q. Just so the court reporter has the question down, your understanding about the turnout in the May 2012 primary is what?

A. Was there was record high for a primary. It was an extremely small part of the total population of the total voter registration, hut it was very high.

Q. So compared to past primaries, it was a very high turnout?

A. Especially among Republicans.

Q. And, Dr. Arrington, this is the first time I've had to make this suggestion to you, but if we were having a conversation at our house, I would be perfectly – this would have been a very nice discussion with you in all respects, but for the court reporter, you need to let me finish my question before you answer the question. You're correctly anticipating my question, which would be fine if she didn't have to take down the testimony.

A. I apologize.

Q. No.

A. It's the first time I've done it.

Q. It's a common mistake, and I usually am a worse transgressor in terms of interrupting the witness [108] before they answer their question, so no worries. Could you turn to paragraph 9 of your article, which is Exhibit 248.

A. You mean page 9?

Q. Yes, page 9 of Exhibit 248. There's a section there called Race and Ethnicity. Do you see that?

A. I do.

Q. Could you read the last paragraph on page 9 through to its conclusion.

A. Quote – to myself or aloud?

Q. Into the record.

A. Quote, "But in Bartlett versus Strickland (556 U.S." – I didn't have the page number – "2009), the Court indicated that only a district in which the minority group is a majority of the citizens of voting age can be considered a bona fide district to provide an

opportunity for that group to elect representatives of their choice.

"The Congress is considering legislation to overrule Bartlett, on two grounds as outlined in Persily, et al., (2009). First, there are some places where a district which is less than majority-minority can still provide a reasonable opportunity for minority voters to elect representative of their choice. And second, there [109] are other places where a simple majority of the citizen voting age population is not sufficient for this purpose.

"In Bartlett, the Court set forth a highly reliable but invalid criteria for remedial districts under the Voting Rights Act, VRA"

Now, I should add that in Persily, et al., which included me, I also indicated that the standard they set forth is also unreliable because for small districts you can't know the citizenship.

Now, in North Carolina it doesn't matter because the citizenship rate among blacks is higher than the citizenship rate among whites, therefore if they're a majority of the voting age population, there are also majority of citizens voting age population, but you don't know that because there is – the Census doesn't collect citizenship except in American communities survey.

Q. So I've got a few questions about this paragraph.

You say that the court indicated that only a district in which a minority group is a majority of the citizens of voting age can be considered a bona fide district to provide an opportunity for that group to elect a representatives of their choice. What did you mean by that?

[110] A. Remember, I'm a political scientist, and when the court begins to make political decisions, begin to say something that one contests with politics, then I'm perfectly legitimate to say that's not the right politics.

It's the right law because the law is what the court says it is, but it's not it's not in accord with what I know about politics, that opportunity does not in fact magically occur at 50 percent. 50 percent may not be enough, and there is no certainty, and North Carolina it's usually too much.

Q. Okay. Would it – but you indicate that the law is interpreted by the Supreme Court at this point is that for a district to provide the group with an opportunity to elect a candidate of choice, the Supreme Court held it has to be over 50 percent; is that correct?

MR. SPEAS: Objection to the form.

THE WITNESS: I used the word "indicated' there, so I think that's what they're indicating, but that's a very – now, 1 don't want to sound like a lawyer, because I don't do it very well, but I think that case was in fact more narrowly decide than it would indicate.

[111] That is, you've got a very peculiar set of situations there. You've got a statewide Constitutional provision which the court found that district had violated, and so it seems to me what the court is saying – to me as a political scientist, what they're saying to me, not what they might be saying to you as a lawyer that you can't override a state Constitutional provision to create a Section 2 district unless ifs 50 percent plus.

Now, that doesn't mean if you're not in that situation, if you're not backed up against a state

Constitutional provision that you have to draw them at 50 percent in order for them to count under Section 2. I didn't go into all that detail here because there are a certain number of things that I could say or not say in this article, but that's my position, and I don't know as a legal matter whether it applies more broadly or not. That's something for you guys to argue.

BY MR. FARR:

Q. But at least in this article you stated that you believe that the court had indicated that the only bona tide district to provide an opportunity for the group to elect a representative of their choice [112] is one where the group is in the majority?

A. That's what they seem to be indicating, that's correct.

Q. And you stated that in this article as you're understanding.

A. Yeah. I'm not a lawyer. That's what they seem to be indicating.

Q. Now, do you think it would be reasonable for the legislature to interpret the Strickland case as you've described it in the first sentence in the paragraph at the bottom of page 9?

A. If I were in the legislature, I wouldn't interpret it that way. Again, if the district does not violate a state Constitutional provision, then I don't think that's necessary in order for you to satisfy Section 2.

And what you're doing here is you're trying to anticipate – because we're talking about Section 2, because it's a Section 2 case. Ifs also not at all clear to me that it applies in any way at all to Section 5. That's a legal question.

Q. Did you say – have you ever written that you thought that the reauthorized Section 5 which says candidates or African Americans should have a reasonable opportunity to elect their preferred [113] candidates of choice, is that a fair statement of what Section 5 says?

A. Section 5 talks about ability.

Q. Preferred candidates of choice, right?

A. Preferred ability to elect candidates of choice, yes.

Q. I Haven't you indicated that that definition under Section 5 might mean the same under Section 2?

A. As a political matter, I don't think there's a distinction. The difference is that as – as I try to apply those statutes to my work, that's all I can do.

Ability is a dichotomy. You have it or you don't. Whereas opportunity has gradations. There is some opportunity, a very good opportunity, an excellent opportunity, in other words, it's an interval level of variable,

Now, in my view, when you get to a reasonable opportunity, that's also an ability in my view.

Q. But my question is the term "opportunity to elect candidate of choice," have you not stated – if you haven't, tell me that I'm wrong, but I thought I read somewhere that you thought that it would be reasonable for whatever that definition is under [114] Section 5 that it would be the same definition under Section 2.

A. Yeah, I think that's what I just said. If you have the ability, you have a reasonable opportunity. If you have a reasonable opportunity, you have an ability.

Q. So it – whatever elect a candidate of choice means under Section 5, it would be reasonable to think it's the same meaning under Section 2?

A. Not as a legal matter. As a political matter it would. As a legal matter, that's a separate question you guys can argue about.

Q. But as a political matter you treat those definitions the same?

A. As a political matter in drawing districts, if a district provides an opportunity, it also provides an ability. If it doesn't provide an ability, it doesn't provide an opportunity.

Q. Could you turn to the next page.

A. Page 11?

Q. Yes, sir. Could you read footnote 17 into the record.

A. Which footnote?

Q. 17.

A. 17.

[115] Q. Yes, sir. I'm on page 10.

A. You're on page 10. Okay.

Quote, "I call this process 'affirmative districting.' It is sometimes also called 'racial redistricting.' I reject the term 'racial gerrymandering.' Gerrymander' has a well-deserved negative connotation and denotation. It means drawing districts to misrepresent. That is, to

draw districts to give some group more seats in the legislature than their votes would entitle it to.

"Affirmative districting increases appropriate representation, and despite the line drawer's best efforts almost always results in the minority community still having less than proportional representation.

"Racial gerrymanders do exist, however, in any situation where the districts are drawn to minimize or cancel out the votes of some racial or ethnic minority. To attempt to enhance the opportunities of minority voters toward proportional representation cannot be a gerrymander."

Q. Now, could you explain what you mean by – and this is again for the judges who might be reading this. What did you mean by the "affirmative districting"?

[116] A. Affirmative districting is taking race into account, not as the primary but as one of the characteristics in districting so that you increase the opportunities of minority voters toward proportional representation.

Q. Okay. Now I want to drop to the last two sentence in that footnote. You say "Racial gerrymanders do exist, however, in any situation where districts are drawn to minimize or cancel out the votes of some racial minorities."

Could you give me some context as to what that means.

A. Remember, all I'm talking about here is the use of terms. People who oppose the Voting Rights Act sometimes use the word racial gerrymander to describe the process of drawing districts to help minority voters have an opportunity to elect

candidates of their choice, and what I'm trying to say here, that's a misuse of the word gerrymander because gerrymander specifically means drawing districts to misrepresent whereas affirmative districting is an effort to increase the extent to which votes and representatives are tied together, so it's not gerrymander by definition.

Q. So let me ask you a question. Would it be a racial

* * * *

[129] Court judges, statewide election of Superior Court judges, in fact.

Q. Do you know who the expert was in that case?

A. It was Theodore S. Arrington.

MR. SPEAS: Do you know who the losing attorney was? That's where I learned the value of Dr. Arrington's testimony.

THE WITNESS: That's where I learned your expertise at deposing.

BY MR FARR;

Q. Are you aware of any other cases where a court has found partisan gerrymander?

A. My understanding is those are the only two cases.

Q. Larios and –

A. Larios and Republican Party. And of course, Republican Party vs. North Carolina was not a Supreme Court case.

Q. Fourth Circuit, right?

A. Yes, but the state wisely gave up.

Q. Could you turn to paragraph 15, please. The paragraph that begins with "Brunell makes." Could you just read the first sentence in that paragraph.

A. Quote, "Brunell makes a convincing case with logic and empirical data that representation, when conceived exclusively as the correspondence between [130] the policy views of the constituency and the representative, is stronger if the constituency is homogeneous," end quote.

Q. So my question is: Do you know who was Brunell?

A. Tom Brunell is a political scientist. He's an expert witness in this case working for the General Assembly.

Q. Have you reviewed the report he did?

A. I have not.

Q. But you believe this paper that you're referring to in Exhibit 248 made a convincing case?

A. For a very narrow point that should be considered, yes.

Q. All right. Now turn to page 16. Dr. Arrington, you say that you've drawn redistricting plans, and you've drawn quite a few of them. And have you tried to draw those plans to create districts at a certain percentage of black population in various districts within the plan?

A. Whenever I draw a plan, I have a target, that's correct.

Q. And so in drawing those districts at your target level, are you considering race when you're drawing the districts?

A. As one of many characteristics, yes.

[131] Q. In drawing some of your plans in the past, have you ever divided precincts?

A. Oh, sure. You have to divide precincts to draw Congressional plans because the accepted standard is zero deviation and you're not going to get that without dividing precincts.

Q. Have you ever drawn plans to create majority – or let's just say majority black districts for legislative or Senate seats without dividing precincts?

A. Not – not for state legislature, no, not that I can remember. Did I do so in New York, for example? I don't know.

I will have done so in New York City because the different ethnic groups there, Nicaraguans, Hondurans, Puerto Ricans, to separate them out often probably required dividing some precincts. I say probably. I don't remember. That was 20 years ago, after all, but I may have.

I would have avoided it unless it was necessary for either drawing districts which would effectively represent or for one person, one vote standards, but I may very well have done so.

(WHEREUPON, previously marked Exhibit 238 was re-marked as Exhibit 238 to this deposition.)

[132] BY MR. FARR:

Q. Dr. Arrington, before I ask you questions, would you show your counsel this exhibit. We've used it before.

Dr. Arrington, I've handed you an exhibit that's been previously identified in earlier depositions as

Exhibit 238, and I wanted to know if you had ever seen this exhibit before.

A. No.

Q. Do you recall – were you living in North Carolina in 1996?

A. Yes.

Q. Do you recall that the legislature passed the statute that required that legislative districts be based upon whole precincts and that the Justice Department registered an objection to that?

A. I didn't remember that, but I take your word for that.

Q. Do you think – you worked at the Justice Department, Were you aware of their position on whether states should be allowed to have a uniform policy of basing legislative districts on whole precincts?

A. That specifically, no, but I know in general, they object to putting in provisions which might [133] theoretically prevent the creation of minority districts. I mean, that's just their general policy.

If in the future this particular provision, whether it's whole precincts or whole counties or any other specific provision, the state has to be divided at this river, whatever that provision is, they would object to that because it might in the future prevent you from drawing minority districts.

Q. And are you familiar with the legislative maps that have been enacted in North Carolina over the years and whether or not they divided precincts in creating majority black districts?

A. I'm sure they did.

Q. And you know that the current plans divide precincts?

A. I've heard that.

Q. And you've given an affidavit about it, right?

A. I have.

Q. But dividing precincts is not a new thing in North Carolina for creating majority black districts?

A. I think to the extent that it's been done this time, it is a new thing. There comes a point in any transgression from zero to some absolute where [134] you've made a qualitatively different situation. You're splitting a few tens of districts. You have to do that in Congressional plans for one person, one vote.

There are a few places that you have to do it to create districts which come up to some standard, whether it's my standard or your standard, for concentration, but there comes a point in which you split so many districts that you've created a situation which is qualitatively different.

I think we understand quantum leap is what it's called. Yes, it's just a difference in degree, but it makes a big difference in quality, so I think in that sense this is new.

Q. But the fact is there have been majority black districts created in North Carolina in the past where precincts were divided?

A. Oh, yes, sure, especially at the Congressional level

Q. And also at the legislative level

A. Yes, and also at the legislative level. I apologize. Also at the legislative level, of course.

Q. And if you read through that letter, is it not fair [135] to say that the Justice Department objected to the concept in North Carolina that legislative districts had to be based upon whole precincts?

MR, SPEAS: Objection to the form. That was not what that legislation provided.

BY MR. FARR:

Q. You can answer the question.

A. You're not satisfied with my previous answer? In general, the Justice Department doesn't like special provisions of any sort which might theoretically prevent you from drawing majority black districts in the future. Whether ifs precinct lines, county lines, shape provisions, whatever they are, the Justice Department is likely to object to it on Section 5 grounds and then the state could come back and say, no, this is a legitimate thing and it's not ever going to be a problem, but the state didn't do that in this case, I take it.

Q. I'm not sure.

A. You didn't take this to the DC District Court.

Q. I wasn't representing the state back then.

A. North Carolina did not.

Q. No, sir.

A. There you go.

[136] Q. Now, did you compare the enacted plans against the alternative plans in terms of the number of precincts that the alternative plans split?

A. I read the Frey affidavit and that compares them, and I noted that and discussed it in my report.

Q. But you didn't – other than reading the Frey affidavit, you didn't do the analysis that you've done on the enacted plans on each of the alternative plans?

A. No.

Q. Do you know that the enacted plans draw the districts up to 50 percent plus one?

A. Well, some of the districts.

Q. The majority black districts. It's fair to say there's more majority black districts in the enacted plans than in any of the alternative plans?

A. No, I didn't compare them.

Q. If there were, could that be one explanation for why there were more divided precincts in the enacted plans than the alternative plans?

A. No, I don't think so. And that's what my second affidavit clearly shows, there was splitting beyond what was necessary to create those plans. And to know whether those splits were necessary to bring the populations together or to do something else,

* * * *

[142] Q. That's all I have on that.

All right. I want you to turn to page 18 of your article, and there's a section there on compactness.

A. Yes.

Q. Do you see that?

A. Yes.

Q. Could you just read that entire section into the record, please.

A. Quote, "Compactness: Courts and reformers often cite compactness as a valuable technical

criterion in redistricting, but scholars do not think it should be a priority. One problem is that there are many different and partially conflicting ways to measure the compactness of a district or a district plan.

"And there can be no mathematical standard of compactness that can be applied across varying geography in the way that equal population can have a mathematical standard. The most that one can say is that with the use of a particular statistic, one redistricting plan for a particular jurisdiction has more or less compact districts than another plan for that same jurisdiction. But there is no standard that can tell us whether the districts in [143] a plan are compact enough. "Although the Supreme Court mentions compactness as a traditional redistricting principle, Altman (1998, 179-182) shows that it has a very limited tradition. He also demonstrates that by some measures of compactness, districts recently rejected by the Court as non-compact are more compact than many traditional districts.

"Engstrom's half of Rush and Engstrom (2001) discusses the various problems with judicial standards of compactness and contiguity.

"Scholars ask: What is the purpose of making districts compact? Forest (2001, 158) shows that compact districts may or may not encompass a community of interest. Compactness is not regarded by scholars as an effective barrier to partisan gerrymanders.

"Seeing compactness as related to partisan gerrymanders draws attention away from political realities into superficialities of shape. Some reformers argue that compact districts are more likely to be

competitive, but Altman, MacDonald and McDonald (2005B, 60) and Engstrom, RN (2005, 79) show that this is not true. Cain (1984, 32, 43) and Butler and Cain (1992, 72-3) conclude that [144] compactness does not advance any reform goals except under very unusual circumstances.

"However, Engstrom, RN (2005, 67) indicates that oddly shaped districts may add to voter confusion, and Cain (1984, Chapter 3) acknowledges that voters – and certain judges – prefer compact districts for aesthetic reasons," end quote.

Do you want me to read the next one?

Q. Yes, sir.

A. "Morrill (19733, 51) provides the bottom line on compactness: a mindless, mechanical application of a compactness criterion is destructive to the really important criteria that promotes effective representation.

"While the Supreme Court has used compactness as a rationale for invalidating some districts plans, we do not know how other participants in the process use this concept. Is it a treasured value or simply a partisan rhetorical weapon?"

Q. Thank you for reading that. I wanted to ask you some questions about this.

Are you aware of a legal definition of compactness that the General Assembly could have used to evaluate whether districts are compact?

[145] A. Sure, I can cite dozens.

Q. Let's say a legal decision that's been approved by a court to define compactness.

A. Well, typically, courts use either the Roeck,R-O-E-C-K, or Polsby-Popper or some combination of both, and I'm sure there are court cases which have cited those as evidence, but, again, that can only be used to say that Plan B is more or less compact than Plan A because there's no standard.

You can't say – you can say that a district that's within plus or minus five percent population, that's a standard, or it's zero deviation for Congress, that's a standard, and you can measure whether that's there, but for districting, all you can do is compare one plan to another and say this plan is more compact than that plan.

Q. Under a particular test?

A. Under any particular test that you pick, including the intraocular test.

Q. Is there any standard that shows or demonstrates or adopts how you define whether a district is, quote, compact enough under a particular plan?

A. That's what that paragraph says that can't be done by definition.

[146] Q. Has the U.S. Supreme Court ever done that in any of its decisions?

A. No, not to my knowledge.

Q. Do you know if the North Carolina Supreme Court has ever done that in any of its decisions?

A. I don't remember any Supreme Court decision where they identified a particular – a particular statistic and they can't identify a standard by definition. Compactness doesn't work that way.

Q. So the compactness mathematical tests that are available, are some of them contradictory?

A. Yes. What will happen is under one test, B is more compact than A, and under another test, A is more compact than B. Absolutely.

Q. Under any of the tests that are available, is there any way to determine under those tests when a district is compact enough?

A. That paragraph just says – and I still agree with it – no, that can't be done by definition.

Q. Let's do one more and then we can break.

MR. SPEAS: Whatever you want to do.

MS. RIGGS: If you're okay.

THE WITNESS: I'm fine.

(WHEREUPON, Exhibit 250 was marked for identification.)

* * * *

[189] the reports from that case, but I didn't participate in it. I used those reports in part in my testimony on the intent of Texas in that Section 5 case.

Q. All right. Was there any identity of the parties who hired you in the DC case as compared to the parties in the Texas – in the case pending in the Texas District Court?

A. No, because the district – because the Department of Justice is overwhelmed doing Section 5. They don't have time to involve themselves in a Section 2 case in Texas.

So my understanding they were not involved directly in the Section 2 case whereas they are the – or they are the defendant in that Section 5 case.

Q. Who hired you in DC?

A. DOJ.

Q. Did you study the Texas case?

A. I studied the expert reports and some of the testimony – and testimony of experts in the case.

I didn't look at the testimony of lay witnesses.

Q. Did any of the experts in the Texas case argue that the state should use whole precincts?

A. No.

[190] Q. Did the court use whole precincts in drawing its plan in Texas?

A. I don't know.

Q. Did you read the Supreme Court's decision overturning the Texas court's ruling?

A. No.

Q. I am going to hand you one final exhibit, I think.

(WHEREUPON, Exhibit 253 was marked for identification.)

BY MR. FARR;

Q. Can you tell us what Exhibit 253 is, Dr. Arrington

A. I'm just looking for a date. That is my second affidavit hi this case dated 5 May 2012, and it also includes the current version of my vita.

Q. Okay. That's the only question I have on that.

A. I'm sorry, Mr. Farr. You said that's the only question you had about this one?

Q. Yes.

Was there ever a point in time in your career of being a map drawer in cases like this where you thought the districts had to be over 50 percent?

A. Yes, obviously I must have thought that when I did the New York districts.

Q. Do you recall when you changed in that opinion?

[191] A. No.

Q. Do you know how many plans you've drawn where you believe that the districts had to be at least over 50 percent?

A. Several. Let me explain why. The Department of justice believes that districts do not have to be over 50 percent. However, they also know that it could be a legal question.

So when I'm asked to draw an illustrative plan for them, they ask me to draw it specifically at more than 50 percent, and the reason for that is that that means there's no question, this question that you and I are talking about right now whether it has to be or not, so that eliminates one legal question about satisfying Gingles one, the first Gingles prong. However, it is their belief that that's not necessary, as it is mine.

So for many of the eases that you look at on my vita where I was doing an illustrative plan, will have constructed that plan at over 50 percent in order not to have the legal question.

Q. But you can't recall when you changed your mind about it being over 50 percent?

A. No, I can't. Ii would have been fairly soon after the New York ease, because I didn't even remember [192] that I had ever had that opinion until you brought it to my attention. Shows you what memory will do for you.

Q. Are you aware of any case where African American; got rough proportionality in the number of the districts that were created by the plan where the plan has been found to discriminate against black voters?

A. I'm sorry, I don't understand the question. Can you repeat it again?

Q. Yes. Are you aware of any eases where a legislative plan has provided black voters with roughly proportional number of districts for the entire state where that plan has been found to discriminate against black voters?

A. I don't know of such a case.

Q. And I think you said, Dr. Arrington, when you're drawing plans where you're trying to create districts that will elect candidates of choice that you consider race as a factor?

A. As a factor, that's correct.

Q. Are there factors that are more important than race if you're trying to draw plans up to a certain level of black population?

A. Oh, yes. One person, one vote is always the [193] predominant factor in drawing districts first because it's a Constitutional principle and, second, because it's not only a Constitutional principle but it's one which can be readily measured and therefore, if you don't make it, everybody will know, so that's the number one factor.

Number two is always going to be the geography. You have to take into account the geography of the place you're drawing it, where are the roads, where are the precinct lines, where are the county boundaries, where are the whatever, and those two things shape the district predominantly, and then race or ethnicity comes in as another factor, as does community of interest, trying to keep them compact, whatever other traditional districting principles may be applicable for that jurisdiction.

Q. Does your vita explain the number of times you': drawn plans?

A. No, but I could go through the vita and tell you whether I drew plans in that case or not. Do you want to do that?

Q. Yes.

A. I've got it here as part of 253. Do you want me [194] just to count it or do you want me to tell you which ones?

Q. Why don't you go through it and make an oral statement on the entries where you think you made plans.

A. Gingles versus Edmisten.

Now, you want ones where I drew the plans as opposed to ones where I was specifically advising somebody who was drawing plans?

Q. Either one.

A. Okay. Burton versus Sheheen, a South Carolina case.

Q. Is that on the second page?

A. Yes. That's on page 10 of the vita.

Q. What were you doing in that ease?

A. I was giving testimony about how the districts should be drawn in South Carolina –

Q. Do you recall –

A. – in the 1980 cycle I'm sorry – the 1990 cycle.

Q. Do you recall, were those districts drawn at majority level or were they below majority level?

A. No, I don't, I was working for Republican plaintiffs in that case. I think, in fact, for the Republican Party, if I'm not mistaken, and their [195] districts were different from the districts that the governor had drawn, but where they were and what level, I don't remember. That was a long time ago.

MacKinnon versus Prince Edward Island. That's a Canadian ease. We drew the districts there.

Q. We'll skip that one.

A. That's the second full entry on page 10.

Of course, the New York case which we've already discussed.

And there's two New York cases there, one for Congress and then the second one is for State House and State Senate.

Q. And you drew districts for both of those?

A. I drew districts for both of those, that's correct. I drew districts in the Cleveland County case, but then those districts were abandoned because they would quite obviously not pass the Shaw test.

I drew districts for Mecklenburg County Commission in 1992. That was not part of a court case but rather was part of their redistricting process.

Q. Did you draw majority districts in that plan?

[196] A. Probably not, but I don't remember.

I drew districts - we're on page 12 now - for the Albemarle, North Carolina City School; Hickory School District; Winston-Salem, Forsyth School District; Mecklenburg County Commission.

Q. What page are you on?

A. Page 12. The third citation down is a summary of my activity in the 1990 cycle where I drew districts for several of these places.

Q. Did you create majority black districts in these cases?

A. I don't remember.

Q. Do you still have this information? Do you have these plans at your house?

A. No, no. If I kept all that kind of material, I wouldn't have any room to live in my house. No, I don't have those. Those districts might have them. I don't know.

I do districts now I'm on page 13, Mr. Farr, the second full citation down there advising the United States Department of Justice for the pre-clearance of things of various aspects and so forth.

Either that or maybe in another one of [197] these citations I drew plans for the North Carolina House and Senate, not throughout the state but in parts of the state to see what was different from the plans that were submitted by the General Assembly.

Q. Did you ever submit proposed Congressional plans to the General Assembly during redistricting

that – not in the capacity working for DOJ but for somebody else?

A. Not that I can remember, but there may have been a submission of a plan that somebody else drew that I signed onto. I mean, you know, I was here for 37 years, several cycles, I did a lot of things, but did I ever draw a Congressional plan that submitted to the General Assembly, the answer is – that's a lot of work so I can tell you I never did that.

Q. Did you ever sign off or approve on a plan that Bob Hunter did for congress?

A. I may very well have. Again, that's in the nature of advising somebody or commenting upon somebody else's plans as opposed to drawing one myself, so I may very well have.

Dean Butch Wilson versus John W. Jones, drew plans there, in fact, two sets of plans.

[198] Blaine County Montana, I drew plans for that.

Q. Can I ask you a question about the Dean Butch Wilson case. Did you draw majority black districts in that case?

A. I may have because, remember, we're talking about Alabama here and we're talking about Selma. We're not talking about North Carolina.

Again, the level of concentration that's required is jurisdiction specific, so I don't know that I did, but I may very well have, and if I did it was because the data that we had indicated that that's where you had to go in Selma, Alabama, in order to get a majority black district – I'm sorry, let me rephrase that – an opportunity district, that it might have had to be majority black in order to be a minority opportunity district.

Blaine County Montana.

I definitely drew districts for Charleston.

Q. Did you draw majority black districts in Montana?

A. I don't remember.

Q. What about in Charleston?

A. Again – oh, in Blaine County I did. That's an Indian that's an Indian case. Indians have a [199] very low level of voter turnout. If you don't give them majority – in fact, more than a majority, they're not going to win. They don't have any chance at all to win.

So in Blaine County, those were definitely majority-minority districts or a majority-minority district. There's only one district.

Charleston – and I don't remember the level at Charleston. Again, that would be dependent upon what the data said was required.

I didn't draw districts for Connecticut, did not.

I didn't in Illinois.

I advised on the districts in the South Carolina case. This is the second full citation on page 14. 1 didn't draw those districts but I did advise on them.

Q. What year was that?

A. This is Colleton County Council versus Glenn McConnell?

Q. Yes. Were these cases decided in that paragraph in 2010? Or I don't know, I'm just speculating. Do you know what this engagement was?

A. This South Carolina case, the second one down on page 14, that's the 2000 cycle.

[200] Q. Okay.

A. I don't know why there's not a date in that, but that's the 2000 cycle.

Q. So you had several different engagements in South Carolina in 2000?

A. Two cycles, yes.

Q. Did you draw or recommend majority black district in those engagements?

A. Again, you find out what's necessary in that jurisdiction and that's where you set it.

Certainly by this time – I'm not sure when I realized that you didn't have to have majority, but certainly would have been done by this time in the 2000 cycle.

The Louisiana case which focused on New Orleans but also Baton Rouge, those districts drew for New Orleans and Baton Rouge.

Q. Were those majority black?

A. Yes. In New Orleans it has to be majority black. In fact, it has to be more than a majority and that has to do with their unusual voting system where they don't really have a primary, they have a first election and a second election.

And the African Americans there don't have the advantage of first getting the Democratic label [201] and then getting the white crossover vote that comes from that, as is the case in North Carolina, because they're essentially two open elections, and so that plus the greater degree of racial animosity in Louisiana as opposed to North Carolina, which is why in New Orleans – this is pre-Katrina. I don't know what it's like now – you had to have more than a majority. In fact, you had to have more than 60 percent.

And I determined that by ecological regression analysis and reading the reports of others, and that's the level that's necessary so that's where I drew the districts.

I drew districts in Osceola County Florida and this is a good example of what I had said earlier. The Department of Justice wants illustrative districts to be majority minority so that that question is off the table, but that's the only reason they did it.

And if I had determined that I could not draw a majority – this is very clear in Osceola County. If I had determined that I could not draw a majority black district in Osceola County without violating Shaw, then I would have gone back to their and said I can draw you one, but to keep it inside [202] of Shaw it won't be majority minority, but it will be sufficient that the Hispanics can elect a candidate of their choice and I would have drawn it that way and they would have gone forward, but ten they would have had to debate this issue which is what they wanted to do.

Q. How do you know what is within Shaw and what without Shaw since I have previous testimony by you that the court doesn't define what is within or without Shaw?

A. My judgment. I look at the district and I say, you know, somebody is going to say that violates Shaw, and the DOJ would say, well, then, don't draw it that way. Draw it in such a way as it looks compact when you look at it. It's the intraocular test, and if it looks like it's compact that way, that's okay.

Q. But people could disagree on whether a district passes that type of test or not, right?

A. Not only could, they do.

Q. Okay.

A. I've advised on how the districts should be drawn in the state of Alaska, but I didn't draw the districts. They have a guy that did that. I simply told him the way it needed to be done.

[203] Q. Were those black districts or Indian districts? What minority was involved in Alaska?

A. Native Alaskans. They call them natives up there American Indians, but they're Eskimos, Aleuts.

Q. Did you recommend they be over 50 percent?

A. I'm glad you asked that. The answer is no, those districts are not being drawn. The level happens to be about 40 percent, but it varies. In one part of the state it has to be more than 50, but in the rest of the state 40 is enough. In fact, her figure – the woman who did the ecological regression, her figure in fact is 42. That just happens to be the number that I cited in this report here. That's happenstance.

But it so happens that's where she puts the number, 42 voting age population Native Alaskans sufficient for them to elect a candidate of their choice and therefore satisfies Section 5 and that's what the DOJ accepted and I agree with it.

Now, in one part of the state – doesn't matter which part. One part of the state that's not sufficient. It's got to be 50 percent. So what you have to do when you're advising on those districts is say this district has sufficient overlap with where it requires to be 50 but you got [204] to go above 42. So again, it's a jurisdictional specific analysis.

Q. My question for you: All these cases that we've talked about so far, were they all wrapped up before

the Strickland case was decided by the Supreme Court?

A. No. The one were talking about now is Strickland, is post Strickland.

Q. Which one, the Alaska?

A. The Alaska case.

Q. Is that the first one we've done that's post Strickland?

A. Yes. I advised I advised on a daily basis about how the districts should be drawn in New Mexico. I didn't draw the districts. There was another guy who was doing that, but he and I were in daily contact as they were being developed. That's it.

Q. Did you draw or did you recommend the drawing of illustrative maps in the Alaska case that were 50 percent plus one?

A. Well, I think that's what I just talked about. No. 42 is the magic number in Alaska except hi that part of the state where a higher number is necessary.

Q. Was it possible to draw the district up to [205] 50 percent plus one?

A. Not without reducing the total number of opportunities.

Q. How many opportunity districts were there?

A. There are five in the House, three in the Senate.

Q. And how many majority districts were there in them House?

A. Majority minority?

Q. Yes.

A. None.

Q. How many were there in the Senate?

A. None.

Q. So I thought you said one was over 50 percent

A. No. I said that in one part of the state you have to get over 50 percent in order to provide an opportunity, but the district that was drawn in that area, because it is just at 50 percent, was – is a very iffy district.

It's the 6th – it's the 6th House district in Alaska and it's a district which sometimes elected the candidate of choice of natives and sometimes didn't, and the reason is because it was drawn ten years ago right at that 50 percent mark.

And so Dr. Handily's opinion, and I agree with it, even though we were on opposite sides of [206] that case, is that if you overlap significantly with the 6th District, you're going to have to go above 42 because the white crossover there is lower than it is in the rest of Alaska.

Q. So this Alaska case, was this in state court?

A. No, no. Well –

Q. It's says Fourth Judicial District of Fairbanks.

A. Yes, it was in state court, but Section 5 of the Voting Rights Act is a key part of it, and the question is the plan that was submitted to the Department of Justice and pre-cleared violates – clearly violates several provisions of the Alaska Constitution, and so the question is is it possible to draw a plan that does not retrogress and also – and also violates the Alaska Constitution less than the plan that was submitted, and the answer that that is yes, it is possible, but the districts in both the submitted plan and the

alternatives have districts that are below majority-minority districts.

Q. I want to make sure I understand this. The only post Strickland – was there a decision by the court in Alaska?

A. It's still ongoing. There was a decision that the Supreme Court said – the State Supreme Court said [207] you're going to have to redraw those districts, so my testimony was listened to at least in part and the Supreme Court has said these districts will not fly, do it again.

Q. Why did they say the districts won't fly?

A. Because they violate the state constitution more than is necessary to abide by Section 5 of the Voting Rights Act.

Q. And I'm just confused about this, Dr. Arrington.

A. I don't blame you. It's a confusing case.

Q. The districts that the Supreme Court of Alaska struck down, were those districts that you supported or you opposed those districts?

A. I opposed those districts.

Q. What was wrong with the districts that were declared illegal by the state court?

A. Because one could construct a plan which is not retrogressive and violates the State of Alaska Constitution less than the one that the state adopted.

Q. Okay. Now – so this case has been in state court –

A. Well, it's also before the Department of Justice again for pre-clearance because the Supreme Court sent it back to the redistricting commission, I [208]

think they call it a board, board or commission, whatever they call it. And so they redrew the plan and that's now before the Justice Department, and it's also going back to the Supreme Court. It's almost as complicated as what's happened in Texas.

Q. So let me see if I can understand this. Who originally drew the plans in Alaska?

A. A statewide redistricting commission.

Q. And how did it end in court? Did someone sue?

A. Yeah, the natives sued.

Q. When the plan was adopted by the commission –

A. Let me correct that. The natives and also the City of Fairbanks sued.

Q. These are State Senate and House districts?

A. That's correct.

Q. And the commission plans, were they ever precleared?

A. Yes.

Q. Did they have majority black districts in them?

A. No. Majority native.

Q. Majority native districts?

A. No.

Q. And then the Alaska trial court made a ruling on the plans?

A. Yes. The Alaska trial court before which I [209] testified ruled that it would be possible to not retrogress and violate the state constitution less than was done in the enacted plan.

Q. And did that go to the Alaska Supreme Court?

A. That went to the Alaska Supremes and the Alaska Supremes said redo it and they sent it back to the court.

Q. They agreed with the trial court?

A. They did. Well, in substance they did. You know how courts are, they always rewrite it, so how much they agreed with the reasoning of the district court I couldn't tell you, but the outcome was the same.

Q. Have either of them decisions by those two courts been pre-cleared by Justice?

A. Not yet. Not to my knowledge.

Q. Now, the plans that existed before this controversy started, did they have majority Native American districts before?

A. No.

Q. So that's different than North Carolina where we've had majority black districts, right?

A. Right, but you also have a lot of districts that are less than majority and they are clearly effective districts.

[210] And the key in Alaska, as should always be the key, is whether the district is effective in allowing blacks to elect a candidate of their choice.

Q. But the benchmark Alaskan plan did not have majority Native American districts in it before?

A. That's correct.

Q. And this has been in state court?

A. So far.

Q. And that's the only post Strickland ease that you've listed today?

A. That's the only case where this question has come up since Strickland, that's correct.

Q. The only case whether it should be majority, this is the only case you've been involved in post Strickland?

A. No. I've been involved clearly in the Texas ease. And again, as a lot of those districts in Texas for the State House and State Senate are not majority black, nor majority Hispanic.

Q. But they're majority minority?

A. Well, they may be.

Q. You're not aware of any?

A. In the pre-clearing of the Nueces County districts where I recommended to the Department of Justice [211] that they settle the case, those are not majority minority – well, no, I take it back because those majority because those are Hispanic cases, Hispanic districts, and Hispanic districts have to be majority. In fact, they need usually more than a majority because of the low citizenship rate for Hispanics, very different than for blacks.

MR FARR: Can I just take a second with my colleagues and I think I'm finished.

(Brief Recess: 2:34 to 2:48 p.m.)

BY MR. FARR:

Q. I've just got a few questions about Alaska.

A. Okay. I love the case.

Q. Is Alaska – is the population of Alaska similar to the population of North Carolina?

A. No. It's less than the population of Wake county.

Q. Wake county is what it is. Okay. The Wake coup population is about the same as Alaska; is that right?

A. No. I think it's more than Alaska.

Q. And I got turned off a little bit when you were talking about Native Americans because I have my own concept, being a North Carolinian, about what that means. How many tribes are there in Alaska?

A. Hundreds.

[212] Q. Are they all politically cohesive?

A. Some are and some are not, and that's the central point of dispute in the Alaska cases is the commission drew a district – and we're really only talking about one district – that in fact contains two native groups who have long-time antipathy and one anthropologist described the difference in their language as being at least as great as the difference between English and Chinese. They can't speak to each other unless they speak in English, and they have been fighting each other for centuries.

Q. So one of the questions I had is: Is there a cohesive group of Native Americans in Alaska who are politically cohesive who could constitute a majority in a single district?

A. My guess is no. You said in a single district. So could we combine natives here and there and draw a bug splat district in Alaska which would have a majority natives, I don't know. Maybe. I don't know the answer to that.

If you want to draw reasonably compact, by whatever measure, districts that try to follow at least some of the many requirements in the state constitution, you're not going to get much over [213] about 40.

Q. So again, my question is: Is there any evidence that there is a cohesive group amongst all the various tribes -

A. Yes.

Q. – that could create a district that was over 50 percent?

A. Well, again, I don't know because I haven't tried to do that. If you want to have five House districts and three Senate districts, the answer to that is no.

Could you go over 50 percent if instead of five you had only four or if you dropped one of the Senate districts, the Senate districts – it's nested by the way. Each House – each Senate District constitutes two House districts, and again, that is state constitutional provision.

So if you dropped one or more of those to create an over 50 percent, I don't know. I haven't – you know, I only gave advice to somebody who was drawing the plans. I haven't done it myself. I don't know. Maybe.

Q. But I guess from my understanding the cohesiveness of the African Americans in North Carolina is quite different than the cohesiveness of all the various [214] Native American tribes in Alaska. Is that a fair statement?

A. Their cohesiveness is less than the cohesiveness than the African Americans in North Carolina, but they are generally cohesive. There are exceptions.

And also the matter of you've got these two groups in this one district who fight with each other, but in terms of statewide office like Congress, which is statewide, or governor, you've got people who are from neither of those tribes so they're quite cohesive, if you're with me.

It's only when you got a nominee from one of those tribes that you've got a problem and that's what creates the cohesion problem in that one district, but outside of that one district, natives in Alaska are generally cohesive.

They're not cohesive at the rates that African Americans are. It's a lesser rate than that. It's more like two-thirds voting for the same candidate as opposed to 90 percent voting for African Americans.

Q. But the districts you were working on were the State House and State Senate districts?

A. That's correct.

Q. Okay. I think I'm – well, there's Congressional [215] district issue in this case and I don't want to ask about it and I'm done.

Alec?

MR. PETERS: I know Mr. Speas will be disappointed, but I'm not going to ask any questions.

MR. SPEAS: I am disappointed.

EXAMINATION

BY MS. RIGGS:

Q. Dr. Arrington, I just have one clarifying followup topic about the illustrative maps that you draw. So, for example, I think you said in the Osceola County Florida – I'm referring to Exhibit – whatever

this is – 253. I'm looking at page 15, the Osceola County case.

A. Yes.

Q. That was a Section 2 case; is that right?

A. That's correct.

Q. So in that case, were you looking to draw another Hispanic district in the illustrative plan?

A. Yes. The challenge was a challenge of the at-large election system in Osecola County, and you have essentially two factors there.

The first is that you don't have a history of the ability of Hispanics in that case to elect [216] candidates of their choice for county commission because it's been at large and they've been shut out of the system, so you don't have any record of what level of concentration is necessary.

You have to rely on ecological regression and ecological inference numbers to try to estimate what that is, so that's one reason why if you want to satisfy the first prong of Gingles you want to draw a plan that nobody will question that they clearly win so that there's just no question that that will work.

Incidentally, in that case, that was the only real issue, but that's another question, but that's why you do that.

And then secondly, again, because there is a legal question about whether it has to be majority or not. And notice what I say a legal question, there's not a political question about it, but if there is a legal question and you can get rid of it, that's what you want to do.

And so the DOJ lawyers want to have to fight about as little as possible. They don't want to fight about tingles one, so they say draw it to 50 percent plus, then we don't have to fight about it. As it turned out, we did have to fight about [217] it.

Q. The illustrative part is illustrating prong one of Gingles?

A. That's all that has to do with prong one. Prong two and prong three were essentially a given in that case. They said, yeah, you're right.

Q. That's all I have. Thank you so much, Dr. Arrington.

MR SPEAS: No questions.

MR FARR: Dr. Arrington, the only issue that is of slight concern to me is I haven't looked at this, which I just got today, which is apparently documents that were in your file.

MS. RIGGS: Data files.

MR. FARR: So there's a slight chance that we would want to ask you more questions. If we do, I think we could do it by telephone or something like that.

THE WITNESS: I've done that before. It's not a problem.

MR. FARR: And thank you very much for coming, and I appreciate your very candid testimony.

[SIGNATURE RESERVED]

[DEPOSITION CONCLUDED AT 2:57 P.M.]

[218] ACKNOWLEDGEMENT OF DEPONENT

I, THEODORE S. ARRINGTON, Ph.D., declare under the penalties of perjury under the State of North

Carolina that I have read the foregoing 217 pages, which contain a correct transcription of answers made by me to the questions therein recorded, with the exception(s) and/or addition(s) reflected on the correction sheet attached hereto, if any.

Signed this the ___ day of _____, 2012.

THEODORE S. ARRINGTON, Ph.D.

State of
County of:
Subscribed and sworn to before me this ___day of _____, 2012.

Notary Public

My commission expires:

[219] ERRATA SHEET

Case Name: NAACP vs. State or North Carolina, et al. and Margaret Dickson at al. vs. Robert Rucho, at al.

Witness Name: Theodore S. Arrington, Ph.D.

Deposition Date: Tuesday, May 15, 2012

Page/Line	Reads	Should Read

Signature Date

[220] STATE OF NORTH CAROLINA
CERTIFICATE
COUNTY OF WAKE

I, DENISE L. MYERS, Court Reporter and Notary Public, the officer before whom the foregoing proceeding was conducted, do hereby certify that the witness(es) whose testimony appears in the foregoing proceeding were duly sworn by me; that the testimony of said witness(es) were taken by me to the best of my ability and thereafter transcribed under my supervision; and that the foregoing pages, inclusive, constitute a true and accurate transcription of the testimony of the witness(es).

I do further certify that I am neither counsel for, related to, nor employed by any of the parties to this action, and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereof, nor financially or otherwise interested in the outcome of said action. This the 21st day of May 2012.

Denise L. Myers

Expires September 14, 2013

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA DURHAM DIVISION

Civil Action No. 1:13-CV-00949

DAVID HARRIS and CHRISTINE BOWSER,

Plaintiffs,

v.

PATRICK MCCRORY, in his capacity as Governor of North Carolina; NORTH CAROLINA STATE BOARD OF ELECTIONS; and JOSHUA HOWARD, in his capacity as Chairman of the North Carolina State Board of Elections,

Defendants.

PARTIES' JOINT FACTUAL STIPULATION

The parties hereby stipulate that the following facts are true and accurate and shall be taken as true for the purposes of the trial in this matter, without the need for further factual proof or evidence:

1. The plaintiffs are each citizens of the United States and the State of North Carolina residing at the following addresses:

David Harris
609 Saddle Ridge Ave.
Durham, North Carolina 27704

Christine Bowser
3028 DePaul Ct.
Charlotte, NC 28216

2. The plaintiffs' residences are each located in the following current Congressional districts:

David Harris:
Congressional District 1

Christine Bowser:
Congressional District 12

3. On January 27, 2011, Senator Robert Rucho was appointed Chair of the North Carolina Senate Redistricting Committee. On February 15, 2011, Representative David Lewis was appointed Chair of the House Redistricting Committee. Senator Rucho and Representative Lewis were jointly responsible for developing a Congressional map for consideration and approval by the General Assembly.

4. Senator Rucho and Representative Lewis, through counsel, engaged Dr. Thomas Brooks Hofeller to draw proposed Congressional maps.

5. On July 28, 2011, following the 2010 Decennial Census, the General Assembly passed Session Law 2011-403, which established a redistricting plan for the Congressional Districts. Session Law 2011-403 was passed by the North Carolina Senate by a vote of 28 to 17 and by the North Carolina House by a vote of 68 to 51, and was precleared by the United States Department of Justice on November 1, 2011.

6. On November 7, 2011, the General Assembly passed curative legislation for the Congressional District Map, Session Law 2011-414, which passed the Senate by a vote of 25 to 12 and by the House by a vote of 62 to 46. Session Law 2011-414 was precleared by the United States Department of Justice on December 8, 2011. Together, Session Laws 2011-403 and 2011-414 established a redistricting plan for

North Carolina's Congressional Districts ("Congressional Plan").

7. As of the date the Congressional Plan was enacted, Representative G.K. Butterfield represented Congressional District 1 and Representative Mel Watt represented Congressional District 12.

8. Since the 1992 general election, Congressional District 1 has been served by Representatives Eva Clayton, Frank Ballance, and G.K. Butterfield, all of whom are African American.

9. The following counties or portions thereof are in the 2011 First Congressional District: Beaufort, Bertie, Chowan, Craven, Durham, Edgecombe, Franklin, Gates, Granville, Greene, Halifax, Hertford, Lenoir, Martin, Nash, Northampton, Pasquotank, Perquimans, Pitt, Vance, Warren, Washington, Wayne, and Wilson.

10. The following counties included in the 2011 First Congressional District were covered by Section 5:

> Bertie, Chowan, Craven, Edgecombe, Franklin, Gates, Granville, Greene, Halifax, Hertford, Lenoir, Martin, Nash, Northampton, Pasquotank, Perquimans, Pitt, Vance, Washington, Wayne, Wilson

11. The following counties or portions thereof included in the 2011 First Congressional District were included in majority-black Senate or House districts enacted by the General Assembly in 1984 following a finding of liability by the district court and then approved by the Supreme Court in *Gingles v. Edmisten*, 590 F.Supp. 345 (E.D.N.C. 1984), *aff'd in part and rev'd in part*, *Thornburg v. Gingles*, 478 U.S. 30 (1986): Bertie, Chowan, Edgecombe, Gates,

Halifax, Martin, Nash, Northampton, Washington, and Wilson.

12. The following counties or portions thereof included in the 2011 First Congressional District were also included in the 1997 version of the First Congressional District approved by the district court in *Cromartie v Hunt*, 133 F. Supp. 2d 407 (E.D.N.C. 2000) *aff'd in part and rev'd in part*, *Easley v. Cromartie*, 532 U.S. 234 (2001) (*Cromartie II*"): Beaufort, Bertie, Craven, Edgecombe, Gates, Granville, Greene, Halifax, Hertford, Lenoir, Martin, Northampton, Pitt, Vance, Warren, Washington, Wayne, and Wilson.

13. The following counties or portions thereof were included in the 2001 and 2011 versions of Congressional District 12: Mecklenburg, Cabarrus, Rowan, Davidson, Guilford, and Forsyth.

14. Representative Watt. Representative was elected to represent Congressional District 12 at each General Election from 1992 through 2012. Representative Watt is an African American.

So stipulated, this the 12th day of October, 2015.

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Local Rule 83.1
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Co-counsel for Defendants North Carolina State Board of Elections and Joshua Howard, in his capacity as Chairman of the North Carolina State Board of Elections

CERTIFICATE OF SERVICE

I hereby certify that on this date I served a copy of the foregoing PARTIES' JOINT FACTUAL STIPULATION to be made by electronic filing with the Clerk of the Court using the CM/ECF System, which will send a Notice of Electronic Filing to all parties with an e-mail address of record, who have appeared and consent to electronic service in this action.

This the 12th day of October, 2015.

/s/ Edwin M. Speas, Jr.
Edwin M. Speas, Jr.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF
NORTH CAROLINA

DURHAM DIVISION

Civil Action No. 1:13-CV-00949

DAVID HARRIS and CHRISTINE BOWSER,
Plaintiffs,

v.

PATRICK MCCRORY, in his capacity as Governor of North Carolina; NORTH CAROLINA STATE BOARD OF ELECTIONS; and A. GRANT WHITNEY, JR., in his capacity as Chairman of the North Carolina State Board of Elections,
Defendants.

DEFENDANTS' NOTICE OF APPEAL

The Defendants in the above-captioned action hereby give notice of their appeal to the Supreme Court of the United States from the Order Addressing Objections [D.E. 141], Memorandum Opinion [D.E. 142], and Final Judgment [D.E. 143] all entered in this case on February 5, 2016.

This appeal is taken under 28 U.S.C. § 1253.

Respectfully submitted this 8th day of February, 2016.

NORTH CAROLINA DEPARTMENT OF JUSTICE

By: /s/ Alexander McC. Peters

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I, Thomas A. Farr, hereby certify that I have this day electronically filed the foregoing DEFENDANTS' NOTICE OF APPEAL with the Clerk of Court using the CM/ECF system which will provide electronic notification of the same to the following:

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Attorneys for Plaintiffs

This the 8th day of February, 2016.

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[Logo]
U. S Department of Justice
Civil Rights Division

Office of the Assistant Attorney General
Washington, D.C. 20530

November 1, 2011

Alexander McC, Peters, Esq.
Special Deputy Attorney General
Special Litigation Section
P.O. Box 629
Raleigh, North Carolina 27602-0629

Dear Mr. Peters:

This refers to the 2011 North Carolina Session Laws 402 (S.B. 455), 403 (S.B. 453), and 404 (H.B, 937), which provide the 2011 redistricting plans for the State Senate, Congressional Delegation, and State House of Representatives, respectively, for the State of North Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, 42 U,S.C. 1973c. We received your submission on September 2, 2011; additional information was received through November 1, 2011. The information received on November 1 indicated that the spatial and statistical data that the State provided in connection with this submission accurately reflected the redistricting plans as intended to be adopted by the General Assemby.

The Attorney General does not interpose any objection to the specified changes, However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes,

Procedures for the Administration of Section 5 of the Voting Rights Act of 1965, 28 C.F.R. 51.41,

Sincerely,

/s/ Thomas E. Perez
Thomas F., Jerez
Assistant Attorney General

[Logo]
Congress of the United States
House of Representative

[Illegible]
The Honorable Bob Rucho North Carolina Senate
300 N. Salisbury Street, Room 300-A.
Raleigh, NC 27603-5925

The Honorable David A. Lewis
North-Carolina House of Representatives
300 N. Salisbury Street, Room 534
Raleigh, NC 27603-5925

RE: Joint Statement by Sen. Ruche and Rep. Lewis Regarding Release of Rucho-Lewis Congress 2 (July 19, 2001)

Dear Chairmen Rucho and Lewis:

I write in response to the joint public statement issued on July 19, 2011, in which you suggest that the basis for your revisions to the initial congressional redistricting map were made principally to meet the requirements of the Voting Rights Act and to accommodate my personal preference with regard to the First Congressional. District

It is regrettable that you would use the Voting Rights Act and my objection to the removals of Gates, Washington, Beaufort, Craven, Jones and Wayne counties to justify wholesale changes to the proposed Congressional map. The letter to which you reference did indeed voice my strong opposition to the removal of Section 5 counties. I was then, and remain, adamant that you restore the missing counties to District 1 to avoid retrogression and to continue the legal protection afforded minority voters in Section 5 counties. These very concerns were also expressed during the

public comment period by numerous voters from the affected counties and others across the state. Unfortunately, the revised plan does not fully restore the Section 5 counties, but instead, extracts African American voters from their communities and needlessly dissects affected counties thereby reducing their collective influence. Additionally, the amended plan unnecessarily "packs" new African American voters from counties not covered by Section 5 of the Voting Rights Act into District 1.

From the beginning, I simply asked that you start with my current district and add 97,500 people to comply with one person, one vote requirements in a manner that would comply with the Voting Rights Act. I never asked for Wake, Durham, or any other county to be added to District I. Without having fully studied the census data, I acknowledged the large population deficit might require consideration of urban areas, However, we now know that the numbers are such that District I can be preserved to fully encompass its historic rural, Eastern North Carolina orientation. It is indeed possible to draw the First District in a way that complies fully with the Voting Rights Act without violating the general principles of redistricting, without packing African American voters to dilute their voting strength, and with full respect for established communities of interest

Using the Voting Rights Act as justification to advance partisan goals in the rest of the state is unconscionable and mocks the very spirit and purpose of the law. The voters in District I and the citizens of our great state deserve better. I urge the committee and the members of the North Carolina General Assembly to heed the concerns expressed by the public

and honor legal protections designed and enforced to protect minority voters.

Thank you very much.

Very truly yours,

/s/ G.K. Butterfield

G.K. Butterfield
Member of Congress

HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515

MELVIN L. WATT
12th District, North Carolina

July 8, 2011

Senator Bob Ruche
North Carolina Senate
300 North Salisbury Street
Room 300-A
Raleigh, North Carolina 27603-5925

Rep. David Lewis
North Carolina House of Representatives
300 North Salisbury Street
Room 534
Raleigh, North Carolina 27603-5925

Dear Senator Rucho and Rep. Lewis:

I have been provided a copy of the "Statement by Sen. Bob Rucho and Rep. David Lewis Regarding Proposed VRA Districts" ("the Statement") that you issued "in anticipation of the public Hearing scheduled: for June 23, 2011." I am writing to correct statements that you attributed to me in Claim 2 of the Statement that you either misconstrued or missrepresented. Please include this letter in the public record as a means of correcting your misstatements.

First, I want to be clear that I have never met with Rep. Lewis or discussed redistricting or any other matter with him. Additionally, I considered any phone conversations and meetings I had with Sen. Rucho as personal, "off-the-record" conversations based on our longstanding personal friendship. I am disappointed

that these conversations have been taken out of context, misrepresented and made a part of the public record, apparently for partisan political purposes.

Second, the characterizations of statements attributed to me in Claim 2 of the Statement are misleading and inaccurate in the following respects:

a) Any comments I made related solely to congressional districts and federal matters and I never made any statements whatsoever about state legislative districts or matters,

b) The comment I made to Sen. Rucho had nothing to do with either urban voters or whether Hispanic or African American voters "vote for the same candidates." Instead, my comment was to the effect that my general impression has been that African American and Hispanic constituents in my congressional district have tended to agree on federal issues on which I have voted. Consequently, in 12th congressional district elections both African American and Hispanic voters have tended to support my candidacy.

c) I remember having a conversation with Sen. Rucho about Rep Mike McIntyre's experiences with Native American and African American congressional in his district on some federal issues. However, I never expressed the opinion attributed to me that "Native American voters do not tend to vote for the same candidate and are not politically cohesive" and none of my experiences would have qualified me to make such a general statement or express such an opinion.

I regret very much that you either misunderstood any comments I made or have found it convenient or to your perceived advantage to take them out of context or misrepresent them. My interest in submitting this letter and asking you to make it a part of the public record is solely to set the record straight.

Sincerely,

/s/ Melvin L. Watt

Melvin L. Watt

cc: Senator Floyd McKissick, Chairman NCLBC
Senator Malcolm Graham
Representative Kelly Alexander
Representative Beverly Earle
Representative Marline Harmon
Senator Dan Blue
Representative Angela Bryant

NORTH CAROLINA SENATE SESSION
NORTH CAROLINA GENERAL ASSEMBLY

In Raleigh, North Carolina
Monday, July 25, 2001, 1:00 p.m.

* * * *

[37] justification to advance partisan goals in the rest of the state is unconscionable and mocks the very spirit and purpose of the law, The voters in District 1 and the citizens of our great state deserve better. I urge the committee and the members of the North Carolina General Assembly to heed the concern expressed by the public and honor legal protection designed and enforced to protect minority voters. Thank you very much. Very truly yours, G.K. Butterfield, Member of Congress."

Statement of Congressman Mel Watt regarding proposed Rucho-Lewis Congress 2 plan. July 21st, 2011, submitted by Senator Graham:

"I am submitting this statement to express my serious concern about the Rucho-Lewis Congress 2 plan recently proposed as a substitute for the Rucho-Lewis Congress 1 plan. First, I wish to reiterate all comments I made in my statement submitted and read into the record by Senator Malcolm Graham at the public hearing on July 7th, 2011, about the Rucho-Lewis Congress 1 plan. All my comments are equally applicable to the Rucho-Lewis Congress 2 plan, and I want to make it clear that any statement or implication that either plan was drawn to accommodate the wishes that I [38] expressed is inaccurate and untrue, The Rucho-Lewis Congress 2 plan fails to address any of the concerns I expressed

about the composition of Congressional District 12 in the Congress 1 plan, and in fact heightens these concerns.

"Plan 1 proposed to increase the African-American population in the 12th District from approximately 40 percent to over 50 percent. I have repeatedly expressed to Senator Rucho my belief that increasing the African-American population in the 12th District is not required, justified or sanctioned by the Voting Rights Act. The Voting Rights Act, which I was instrumental as a member of the House Judiciary Committee and as a chairman of the Congressional Black Caucus to get Congress to reauthorize and extend, was designed to counteract the ethnic and racially polarized voting and level the playing field for African-American candidates and voters, It was not, as several court decisions have indicated, designed to create racial ghettos in which African-American candidates are given inordinate and unreasonable election advantages.

"Plan 2 heightens the concerns I expressed to Senator Rucho about packing even more [39] African-Americans into the 12th District than plan 1 proposed. Plan 2 would increase the number of African-Americans in the 12th District from 370,687, to 372,326, and increase the number of African-Americans of voting age from 268,871, to 269,987. This will have the effect of making the 12th District and adjoining districts less, not more, competitive.

"To maintain, as the joint statement of Senator Bob Rucho and Representative David Lewis regarding the release of Rucho-Lewis Congress 2 does, that maintaining the 12th District as a very strong Democratic district will make adjoining districts more competitive for Republican candidates is seriously in

error. I encourage the State House and Senate to adopt a more balanced plan that reflects the true interests of North Carolina voters. Neither plan 1 nor plan 2, in my opinion, meets the criteria stated by Senator Rucho and Representative Lewis, nor do they established legal standards. Senator Malcolm Graham, for the Honorable Congressman Watt,"

LT. GOV. DALTON: The Senate will come back to order. Members will please take their seats.

* * * *

[171] amendments.

Also, without objection, Senator Graham has requested a leave of absence for the balance of the session today, That will be granted.

Okay, Senator Nesbitt. Let's all come back to order. I think those other maps are out now. You already had Senator Nesbitt's map but now Senator Nesbitt is recognized to explain Amendment 2.

SEN. NESBITT: Thank you, Mr. President and members of the Senate. I want to preface my map by speaking just a little bit about the process up to the moment. I've heard the NAACP, I've heard voters from all over this state, I have heard all of the minority members of this Senate, speaking with one voice about the Rucho map, and it is falling on deaf ears. For the life of me, I can't understand why that's happening.

I don't know where the advice is coming from. I'm going to read you again from Senator Watt, who is chairman of the Congressional Black Caucus, and I don't know where else I can go to tell you what the law doesn't require. And he specifically says that the Voting Rights Act was designed to counteract the effects of racially [172] polarized voting. To counteract

racially polarized voting. In other words, segregated voting, and level the playing field for African-American candidates and voters.

It was not, as several court decisions have indicated, designed to create racial ghettos in which African-American candidates are given inordinate and unreasonable electoral advantages. That's exactly what we're being told that you're doing on purpose. And when you do that, it is resegregation of this state politically, period. That's why it wasn't designed to do that, and people don't want to do that. But I'm sure you won't listen any closer to me than you listened to them.

And I guess that's all up for speculation but let me go to the map that we've sent forward. If you won't listen to reason and you won't listen to what we've been giving you, perhaps you will look at cold, hard facts that you have agreed to. In the committee, we asked that when you created your Voting Rights districts, if you could do those, if you could do the Section 5 counties without busting up counties, that it required that you did it. And the chairman -- I think it was [173]Chairman Brown at the time -- answered yes.

I think Rucho -- Senator Rucho agreed with that. And the law clearly states that in the Stephenson case after you -- it says you must first create the Voting Rights district. It says, "to the maximum extent practicable, such VRA districts shall also comply with the legal requirement of whole counties as herein established," Well, here is you a map that does that. If you'll look, Districts 4, 3, 21 and 28, which are the Section 5 districts, are all done without splitting county lines. Now, two of them are within counties but

that is absolutely necessary under the one person, one vote,

Now, that's the essence of this map. It varies from Senator McKissick's maps in a few ways. Once you do that, it creates a situation where you've got to create different clusters. And the one unfortunate thing that we did not want to do, the 4th District actually goes over 50 percent. It's like 50.18 or something like that. And I want to explain that so that you will understand. That was not requested; that's Senator Jones' district at the present time. He has stated in every way that he can state that he does not want that;

* * * *

June 30, 2011 11:03:08 PM (-04)

From: Brent Woodcox

To: Farr, Thomas A.

Cc: <brucho@carolina.rr.com>; David Lewis - National Committeeman; JasonKay; Blaine, Jim; <dloesq@aol.com>; <celticheal@aol.com>; Tom Hofeller - Redistricting; Strach,Phillip Youngquist, Kathleen, M.

Bcc:

Subject: Re: attorney client communication

Attachments:

When Nathan and I counted earlier, I thought we counted 11 of 13 districts with a Democratic registration advantage. I could be wrong but it's worth double checking. I do think the registration advantage is the best aspect to focus on to emphasize competitiveness. It provides the best evidence of pure partisan comparison and serves in my estimation as a strong legal argument and easily comprehensible political talking point.

Sent from my iPad

On Jun 30, 2011, at 8:46 PM, "Farr, Thomas A." <thomas.farr(&ogletreedeakins.com> wrote:

> Fellows
>
> Here is my best effort to reflect what I have been told about legislative intent for the congressional plans. Please send me your suggestions and I will circulate a revised version for final approval by Bob and David as soon as possible tomorrow morning.

Thomas A. Farr | Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

4208 Six Forks Road, Suite 1100 | Raleigh, NC 27609 | Telephone: 919-789-3174 | Fax: 919-783 9412

thomas.farrAogletreedeakins.com | www.ogletree deakins.com

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support the promotion or marketing of any such transaction or issue.

From: Youngquist, Kathleen, M.

Sent: Thursday, June 30, 2011 5:39 PM

To: Farr, Thomas A.

Subject: Statement by Rucho and Lewis In support of proposed 2011 Congressional PIan.DOC

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
STATE OF NORTH CAROLINA
COUNTY OF WAKE

11 CVS 16896
11 CVS 16940

MARGARET DICKSON, et al.,

Plaintiffs,

v.

ROBERT RUCHO, in his official capacity only as the Chairman of the North Carolina Senate Redistricting Committee, et al.,

Defendants.

NORTH CAROLINA STATE CONFERENCE OF BRANCHES OF THE NAACP et al.,

Plaintiffs,

v.

STATE OF NORTH CAROLINA et al.,

Defendants.

SECOND AFFIDAVIT OF DAVID W. PETERSON, Ph.D.

I, David Peterson, being first duly sworn, depose and say:

1. I am over 18 years of age, legally competent to give this affidavit and have personal knowledge of the facts set forth in this affidavit. I am a statistician retained by counsel for Plaintiffs to assist with statistical aspects of this case. For more than twenty years I taught statistical theory and applications at Duke University, first as a member of the business school faculty and later as a member of the statistics faculty. During that time I also taught statistics courses in Duke's department of health administration, school of forestry and the law school. I am co-author of the book *Use of Statistics in Equal Employment Opportunity Litigation*, and author or co-author of numerous articles in professional journals dealing with the use of statistics in litigation. One of these articles addresses uses and misuses of scientific evidence in court, and another critiques the Federal Judicial Center's *Reference Manual on Scientific Evidence*. I am the author of a book outlining the elements of forensic decision analysis, a general method for determining empirically the reasons that past decisions were made the way they were. I have advised hundreds of legal teams, both plaintiff and defendant, on the use of statistical evidence. The U.S. Supreme Court has cited my work favorably on several occasions. My resume is attached as Appendix A. For the work leading up to and including the preparation of this report, I am being paid $6,000. The cases in which I have testified recently are listed in Appendix B.

CHARGE

2. I am asked by counsel for Plaintiffs in this matter to verify and interpret the results of a

"Segment Analysis"[1] of North Carolina's 12th Congressional Voting District defined by "Rucho-Lewis Congress 3"[2], an analysis performed by staff at the Southern Coalition for Social Justice under the direction of Mr. Chris Ketchie, designed to test whether the boundary of that district appears to have been chosen more on the basis of racial considerations than on political considerations.

CONCLUSIONS

3. I reviewed the steps undertaken in the Segment Analysis and determined that the calculations were correctly done. The analysis indicates that racial considerations better account for the boundary definition of the 12th NC Congressional Voting District than do party affiliation considerations. There is no indication that party affiliation dominated racial considerations.

SOURCES

4. The information on which my opinion is based is primarily District 12.csv, a data file created and conveyed to me by Chris Ketchie on November 28, 2011. The file was created by a computer script originally written by Damian Maddelena, but modified

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[1] Segment Analysis is described in Peterson, David W., "On Forensic Decision Analysis," *Journal of Forensic Economics*, Vol. XVIII, No. 1, Winter 2005, pp. 11-62, and also in Peterson, David W., *Why Did They Do That? An Introduction to Forensic Decision Analysis*, Lulu Press, 2007. Segment Analysis was used by defendants in the North Carolina redistricting litigation arising from the 1990 census (*Hunt, Governor of North Carolina, et al. v. Cromartie et al.*, 526 U.S. 541 (1999) and Easley, Governor of North Carolina, v. Cromartie, et al., 532 U.S. 234 (2001)).

[2] "Rucho-Lewis Congress 3" was enacted as Session Law 2011-403 by the North Carolina General Assembly on July 28th, 2011.

by me just before Mr. Ketchie used it to create District_12.csv. The information contained in the data file is a table, each row of which pertains to a segment of the boundary of the 12th District, and indicates, among other things, the fraction of the people residing in the precinct just outside the 12th District who are black, as well as the fraction of the population who are democrats. The analogous information is provided for people living in the neighboring precinct just inside the 12th District. The pertinent parts of the file are printed out in Appendix C. I also rely on 23 maps provided to me by Mr. Ketchie, which I used to identify instances in which the precincts involved in this study touch one another at just a single point.

REVIEW

5. I have studied the data and computer program mentioned above, discussed them at length with Mr. Ketchie, and verified a sample of the calculations. I believe they properly execute the studies described below.

SEGMENT ANALYSIS RATIONALE

6. Segment Analysis rests on the observation that if the boundary of a voting district is chosen with the object of encompassing large numbers of black residents, then at least some portion of that boundary must separate a geographic region with a large representation of black residents from a region with a smaller representation, the region with the larger representation being included within the voting district. The analogous observation holds with respect to political affiliation—a voting district defined with the object of collecting democrats within must on at least some portion of its boundary separate a geographic region with a large representation of

democrats from one with a smaller representation, the area with the larger representation being inside the voting district. Segment analysis breaks down the border of a voting district into many pieces, and examines whether, based on the race and political behavior of residents just inside and outside each segment, the overall pattern suggests that, as between race and political affiliation, one consideration dominated the other in the process that defined the voting district.

ANALYSIS

7. The boundary of District 12 was divided into the segments corresponding to the precincts inside and out that form its border. Each such segment separates a precinct inside the district from a precinct outside the district. Map 1 depicts the precincts involved in this process. For each segment, we noted whether the proportion of residents of the inside precinct who are black is greater than the proportion of residents of the outside precinct who are black. We called segments for which this relationship holds "Type B". We also, for each segment, noted whether the proportion of residents of the inside precinct who are democrats is greater than the proportion of residents of the outside precinct who are democrats. We called segments for which this relationship holds "Type D".[3]

8. If a segment is of Type B, it lends support to the proposition that it was chosen at least in part because it serves to aggregate black people into the 12th District. Similarly, a Type D segment lends support to

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3 Included in the study are all segments having positive length; all segments of zero length (which occur where an inside precinct touches an outside precinct at only a single point) are excluded.

the proposition that it was chosen at least in part because it serves to aggregate democrats into the District. A segment that is both of Type B and of Type D, lends support to both propositions, and therefore is of no help in distinguishing which consideration may have dominated. Likewise, a segment that is neither of Type B nor of Type D reveals nothing about which of the two propositions may have dominated in the choice of that segment by the legislature.

9. The remaining segments are either a) Type B and not Type D or else b) Type D and not Type B. A segment of the first sort supports the proposition (the Race Hypothesis) that it was chosen at least in part because it serves to collect blacks into the 12th District, and it militates against the proposition (the Political Hypothesis) that the segment was chosen because it serves to collect democrats into the District. We call such a segment a Race (or Type R) segment, because it supports the Race Hypothesis over the Political Hypothesis.

10. A segment of the second sort (Type D and not Type B) has an analogous interpretation. Such a segment supports the proposition (the Political Hypothesis) that it was chosen at least in part because it serves to collect democrats into the 12th District, and it militates against the proposition (the Race Hypothesis) that the segment was chosen because it serves to collect blacks into the District. We call such a segment a Party (or Type P) segment.

11. In all, there are 330 segments to the border of the 12th District.[4] But whether a given segment is of

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[4] While these 330 segments encompass very nearly the entire boundary of the 12th District, there are a few gaps. These occur when the district line cuts through a precinct rather than

Type R, of Type P, or of neither type depends on just how one measures the racial composition of residents in a precinct, as well as how one measures the party preferences of a precinct's residents.

12. We used three different measures of the racial composition of the residents of each precinct:

a. the proportion of people living in the precinct who, in the 2010 US Census, reported their race as black or partially black;

b. the proportion of the people of voting age living in the precinct who, in the 2010 US Census, reported their race as black or partially black; and

c. the proportion of registered voters living in the precinct who are registered as blacks.

13. We used four different measures of party preference for the residents of each precinct:

a. the proportion of registered voters living in the district who are registered as democrats;

b. the proportion of people living in the district and voting for Governor in 2008 who voted for the democratic gubernatorial candidate;

c. the proportion of people living in the district and voting for President in 2008 who voted for the democratic presidential candidate; and

d. the proportion of people living in the district and voting for US Senator in 2010 who voted for the democratic senatorial candidate.

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following the precinct boundary. These gaps could not be included in the analysis because data on voting behavior are not available at the sub-precinct level.

14. We used each of the three measures of race cited in ¶12 above in conjunction with each of the four measures of party preference cited in ¶13 above, producing a total of twelve different segment analyses of the boundary of District 12. The results are summarized in Table I and graphed in Figure 1.

Table 1. Tallies of District 12 Segments by Race and Party Types

	Registered Democrat		Voted for Democrat:					
			2008 Governor		2008 President		2010 US Senate	
	Race	Party	Race	Party	Race	Party	Race	Party
Black Population	6	8	5	7	7	4	10	6
Black Voting Age Population	7	7	6	6	8	3	11	5
Black Registered Voters	4	6	4	6	6	3	11	7

Source: District_12 DRP data view

15. In four of the twelve studies the number of segments supporting the Political Hypothesis exceeds the number of segments supporting the Race Hypothesis. There are two studies in which there are equal numbers of Type R and Type P segments. In the other six studies, there is more support for the Race Hypothesis than for the Political Hypothesis, and in each of these six, the imbalance is more pronounced than in any of the four studies favoring the Political Hypothesis.

16. While the classification of a segment as Type R or Type P depends on just how one characterizes its precincts' racial and political populations, there are just two segments which are unequivocal across all twelve studies — one of these is invariably of Type R, the other of Type P.

17. The studies above may be compared with a similar study undertaken of North Carolina's 12th Congressional District in the wake of the 1990 census and the ensuing litigation cited in Footnote 1 above. In that case, the dozen studies analogous to those

depicted in Table 1 resulted in seven instances favoring the Political Hypothesis, three favoring the Race Hypothesis, and two ties. Thus, while this earlier study on balance favored the Political Hypothesis, the results in Table 1, in contrast, favor the Race Hypothesis.

CONCLUSIONS

18. I reviewed the steps undertaken in the Segment Analysis and determined that the calculations were correctly done. The analysis indicates that racial considerations better account for the boundary definition of the 12th NC Congressional Voting District than do party affiliation considerations. There is no indication that party affiliation dominated racial considerations.

This, 4th day of January, 2012.

/s/ David Peterson
David Peterson

COUNTY OF Bureau
STATE OF Illinois

I, Kathy Jean Hermeyer, a Notary Public of the County and State aforesaid, hereby certify David W. Peterson personally known to be the affiant in the foregoing affidavit, personally appeared before me this day and having been by me duly sworn deposes and says that the facts set forth in the above affidavit are true and correct.

Witness my hand and official seal this the 4th day of January, 2012.

[SEAL]

/s/ Kathy Jean Hermeyer
Notary Public

My Commission expires:
07/30/2012

APPENDIX A

DAVID WEST PETERSON
1942 Rock Rest Road
Pittsboro, North. Carolina 27312
Home: 919-542-6937
Office: same

HIGHER EDUCATION:

B.S., University of Wisconsin at Madison, 1962

M.S., Stanford University, 1963

Ph.D., Stanford University, 1965, all in Electrical Engineering

EMPLOYMENT HISTORY:

1960	Engineering Trainee, General Electric Company
1961-62	Research Assistant, Computer Laboratory, Department of Electrical Engineering, University of Wisconsin
1962-63	Member, Technical Staff, Hughes Aircraft Company
1963-65	Research Assistant, Systems Laboratory, Stanford University
1965-67	Mathematician and Hybrid Simulation Project Officer, U.S. Army Electronics Command, Fort Monmouth, N.J.
1967-70	Assistant Professor of Quantitative Methods, Northwestern University Graduate School of Management
1970-73	Associate Professor of Managerial Economics and Decision Sciences,

Northwestern University Graduate School of Management

1971-72 Research Fellow, International Institute of Management, Berlin

1973 Visiting Lecturer, Systems Engineering, University of Illinois at Chicago Circle (spring quarter)

1973-84 Professor, Graduate School of Business Administration, Duke University, Durham, N.C.

1979-2000 President, PRI Associates, Durham, N.C.

1982-86 Senior Lecturer, Duke Law School

1984-89 Adjunct Professor, Graduate School of Business Administration, Duke University, Durham, N.C.

1989-94 Adjunct Professor, Institute for Statistics and Decision Sciences, Duke University, Durham, N.C.

2000-02 Senior Vice President, Peopleclick, Inc., Raleigh, N.C.

2002-present Independent Consultant

Various consulting activities undertaken for the U.S. Public Health Service, U.S. Army Electronics Command, and numerous private corporations, law firms and governmental agencies, largely on matters related to the use of statistics in litigation.

LANGUAGES:

English (native)

German (working knowledge)

Some French, Russian and Mandarin

PROFESSIONAL MEMBERSHIPS:

Institute for Electrical and Electronic Engineers
The American Statistical Association

PROFESSIONAL PUBLICATIONS:

Technical articles published in internationally circulated journals, treating topics in the theory and application of mathematical modeling in areas such as radio propagation, control of economic systems, optimization of static and dynamic systems, statistical decision making, the measurement of employment opportunity equality, and the detection of computer code theft.

PROFESSIONAL SPEAKING ENGAGEMENTS:

Technical papers read at meetings of the IEEE Man, Systems and Cybernetics Group, the Econometric Society, The Institute for Management Sciences and the American Statistical Association. Many semi-technical engagements in the U.S., Europe and the Middle East, generally pertaining to mathematical modeling applications in management. Speaker at seminars for lawyers dealing with statistical applications in litigation.

GENERAL BACKGROUND:

While at Stanford University I was involved in a project whose chief aim was to analyze radar return data to discriminate among different types of vehicles entering the atmosphere. Problems of primary concern in this project were data processing speed and discrimination accuracy.

While at Fort Monmouth I was involved in two major projects. The first was the construction and

analysis of a mathematical model describing very-low-frequency electromagnetic propagation in the earth-atmosphere-ionosphere system, and another model for such propagation in the lithosphere.

The second major project on which I worked while at Fort Monmouth was the simulation of various helicopter fire control systems on a large scale hybrid computer. In this project I was responsible for the construction of a mathematical model of a fire control computer, for the stochastic subroutines associated with the simulation, and for various subroutines involving the generation of certain artificial images for the benefit of the pilot. The system simulated was comprehensive in that it included the pilot and a gunner (both of them live) and a cockpit with a visual display consisting of a television-scanned terrain belt on which were superimposed artificially-generated data relating target size and location to the trajectories of tracer rounds. The challenge in this task was to simulate the aircraft flight dynamics, the tracer round trajectories and the feel of the aircraft on the pilot and co-pilot controls, to within acceptable tolerances, subject to limitations on computer memory and computational speed.

At Northwestern I taught courses in mathematical programming, elementary probability and statistics, computer programming and applications, and optimal control to graduate students in management, attracting some students from economics, computer science and industrial engineering.

My early research interests were in establishing a logical-mathematical foundation for information theory, and the construction and analysis of dynamic econometric models. A year spent at the International

Institute of Management in Berlin enabled me to bring to publishable form the results of several investigations in these areas, as well as to make personal and professional acquaintances in several European and Middle Eastern communities.

While at Duke my activities in the early years were directed toward improving the quality and volume of research of junior faculty, to developing an expanded Ph.D. program, to revising the MBA curriculum, and to exploring and developing bases on which Graduate School of Business Administration faculty and students can interact with faculty and administrators in various other departments. I developed a special interest in the application of statistical methods to the measurement of the equality with which an employer extends employment opportunities to employees of differing age, sex or ethnicity. These activities led to several publications, speaking engagements and consulting assignments, and to the formation of PRI Associates.

PRI Associates' main business was statistical consultation, though it also designed, developed and sold software that employers used to help manage their affirmative action activities. Our consultations usually were with attorneys involved in litigation, and the subject matter spanned a wide variety of issues, including political redistricting, census-taking, employment discrimination and high-tech intellectual property disputes.

In August 2000 I sold PRI Associates to PeopleClick, Inc. Leaving PeopleClick in 2002, I have since consulted as a sole proprietor with a variety of clients, aided on occasion by an informal network of colleagues.

OTHER WORK EXPERIENCE:

a. the formulation of a plan for a national health data information center, and for its process of creation

b. the design of a computer-based inventory management system for a $50M per year mail-order firm

c. the provision of statistical advice to researchers studying the effects on costs and services of a merger of nine hospitals in Arizona

d. the provision of criticism, advice and encouragement to researchers establishing a methodology for evaluating the effects of different types of care extended to elderly Americans

e. consultation with legal teams on the structuring of statistical data presented at judicial proceedings involving employment discrimination, jury selection, anti-trust damages, political redistricting processes, census taking, and high tech intellectual property issues formation of PRI Associates, Inc., providing statistical consultation services on matters pertaining to the use of statistical methods in litigation, and on matters related to software development

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3. A Theorem on Decision Boundaries, *Proceedings of the 12th Annual Conference of Army Mathematicians*, Dartmouth College, Hanover, New Hampshire, June 22-23, 1966 with K A. Belser.

4. A Method of Finding Linear Discriminant Functions for a Class of Performance Criteria, *IEEE Transactions on Information Theory*, IT-12, No. 3, July, 1966, pp. 380-387, with R. L. Mattson.

5. A Theorem on Single Sample Confidence Intervals, 13th Annual Conference of Army Mathematicians, Fort Monmouth, New Jersey, June 7-8, 1967. Also, *Proceedings of the IEEE*, Vol. 55, No. 9, September 1967, pp. 1637-1638, (Correspondence).

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10. Some Convergence Properties of a Nearest Neighbor Decision Rule, Record of the IEEE Systems Science and Cybernetics Conference, October, 1968, San Francisco, also IEEE Transactions on Information Theory, Vol. IT-16, No. 1, January 1970, pp. 26-31.

11. A Stabilizing Transformation for Numerical Solution of Maximum Principle Problems, with R. Gann, *IEEE Transactions on Automatic Control* (correspondence), Vol. 15, No. 6, December 1970, pp. 686-687,

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1. *Verifiable, Auditable Voting System Maintaining Voter Privacy*, U.S. Patent 7,451,928 B2, Granted November 18, 2008.

2. *Automated Voting District Generation Using Preexisting Geopolitical Boundaries*, Filed

January 24, 2007, (with Claire Ellis Osgood), Pending.

November 9, 2010
Pittsboro NC

APPENDIX B

Cases in which David W. Peterson has Testified at Trial or by Deposition

Since January 1, 2005

Case Name	Depo or Trial	Date	Venue
DAG Petroleum Suppliers, LLC v. BP p.l.c. and BP Products North America, Inc.	Deposition	7/26/06	Chicago, IL
O'Neal, *et al.* v. Wackenhut Services, *et al.*	Deposition Deposition	6/16/05 4/3/06	Raleigh, NC Raleigh, NC
Annemarie Harrison-Gray and Beverly Hatcher, Class Agents, v. Eric K. Shinseki, Secretary, U.S. Department of Veterans Affairs, Agency	Deposition	8/6/09	Washington, DC

Updated 12/20/2011

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
STATE OF NORTH CAROLINA
COUNTY OF WAKE

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11 CVS 16896
11 CVS 16940

MARGARET DICKSON, et al.,

Plaintiffs,

v.

ROBERT RUCHO, in his official capacity only as the Chairman of the North Carolina Senate Redistricting Committee, et al.,

Defendants.

NORTH CAROLINA STATE CONFERENCE OF BRANCHES OF THE NAACP et al.,

Plaintiffs,

v.

STATE OF NORTH CAROLINA et al.,

Defendants.

FIRST CONGRESSIONAL DISTRICT SEGMENT ANALYSIS

FOURTH AFFIDAVIT OF PLAINTIFFS' STATISTICAL EXPERT

I, David Peterson, being first duly sworn, depose and say:

1. I am over 18 years of age, legally competent to give this affidavit and have personal knowledge of the facts set forth in this affidavit. My qualifications and recent testimony are set forth in each of my First and Second Affidavits in this case.

CHARGE

2. I am asked by counsel for Plaintiffs in this matter to verify and interpret the results of a "Segment Analysis"[1] of North Carolina's lst Congressional Voting District defined by "Rucho Lewis Congress 3"[2], an analysis performed by staff at the Southern Coalition for Social Justice under the direction of Mr. Chris Ketchie, designed to test whether the boundary of that district appears to have been chosen more on the basis of racial considerations than on political considerations.

CONCLUSIONS

3. I reviewed the steps undertaken in the Segment Analysis and determined that the calculations were correctly done. The analysis indicates that racial considerations better account for the boundary

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[1] Segment Analysis is described in Peterson, David W., "On Forensic Decision Analysis," *Journal of Forensic Economics*, Vol. XVIII, No. 1, Winter 2005, pp. 11-62, and also in Peterson, David W., *Why Did They Do That? An Introduction to Forensic Decision Analysis*, Lulu Press, 2007. Segment Analysis was used by defendants in the North Carolina redistricting litigation arising from the 1990 census (*Hunt, Governor of North Carolina, et al. v. Cromartie et al.*, 526 U.S. 541 (1999) and Easley, Governor of North Carolina, v. Cromartie, et al., 532 U.S. 234 (2001)).

[2] "Rucho-Lewis Congress 3" was enacted as Session Law 2011-403 by the North Carolina General Assembly on July 28th, 2011.

definition of the 1st NC Congressional Voting District than do party affiliation considerations. There is no indication that party affiliation dominated racial considerations.

SOURCES

4. The information on which my opinion is based is primarily District_Ecsv, a data file created and conveyed to me by Chris Ketchie on May 8, 2012. The file was created by a computer script originally written by Damian Maddelena, but modified by me before Mr. Ketchie used it to create District_1.csv. The information contained in the data file is a table, each row of which pertains to a segment of the boundary of the 1st District, and indicates, among other things, the fraction of the people residing in the precinct just outside the 1st District who are black, as well as the fraction of the population who are democrats. The analogous information is provided for people living in the neighboring precinct just inside the 1st District. The pertinent parts of the file are printed out in Appendix A. I also rely on a map provided to me by Mr. Ketchie, which I used to identify instances in which the precincts involved in this study touch one another at just a single point.

REVIEW

5. I have studied the data and computer program mentioned above, discussed them with Mr. Ketchie, and verified a sample of the calculations. I believe they properly execute the studies described below.

SEGMENT ANALYSIS RATIONALE

6. Segment Analysis rests on the observation that if the boundary of a voting district is chosen with the object of encompassing large numbers of black

residents, then at least some portion of that boundary must separate a geographic region with a large representation of black residents from a region with a smaller representation, the region with the larger representation being included within the voting district. The analogous observation holds with respect to political affiliation — a voting district defined with the object of collecting democrats within must on at least some portion of its boundary separate a geographic region with a large representation of democrats from one with a smaller representation, the area with the larger representation being inside the voting district. Segment analysis breaks down the border of a voting district into many pieces, and examines whether, based on the race and political behavior of residents just inside and outside each segment, the overall pattern suggests that, as between race and political affiliation, one consideration dominated the other in the process that defined the voting district.

ANALYSIS

7. The boundary of District 1 was divided into the segments corresponding to the precincts inside and out that form its border. Each such segment separates a precinct inside the district from a precinct outside the district. Map 1 depicts the precincts involved in this process. For each segment, we noted whether the proportion of residents of the inside precinct who are black is greater than the proportion of residents of the outside precinct who are black. We called segments for which this relationship holds "Type B". We also, for each segment, noted whether the proportion of residents of the inside precinct who are democrats is greater than the proportion of residents of the outside

precinct who are democrats. We called segments for which this relationship holds "Type D".[3]

8. If a segment is of Type B, it lends support to the proposition that it was chosen at least in part because it serves to aggregate black people into the 1st District. Similarly, a Type D segment lends support to the proposition that it was chosen at least in part because it serves to aggregate democrats into the District. A segment that is both of Type B and of Type D. lends support to both propositions, and therefore is of no help in distinguishing which consideration may have dominated. Likewise, a segment that is neither of Type B nor of Type D reveals nothing about which of the two propositions may have dominated in the choice of that segment by the legislature.

9. The remaining segments are either a) Type B and not Type D or else b) Type D and not Type B. A segment of the first sort supports the proposition (the Race Hypothesis) that it was chosen at least in part because it serves to collect blacks into the lst District, and it militates against the proposition (the Political Hypothesis) that the segment was chosen because it serves to collect democrats into the District. We call such a segment a Race (or Type R) segment, because it supports the Race Hypothesis over the Political Hypothesis.

10. A segment of the second sort (Type D and not Type B) has an analogous interpretation. Such a segment supports the proposition (the Political Hypothesis) that it was chosen at least in part because it serves to collect democrats into the 1st District, and

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[3] Included in the study are all segments having positive length; all segments of zero length (which occur where an inside precinct touches an outside precinct at only a single point) are excluded.

it militates against the proposition (the Race Hypothesis) that the segment was chosen because it serves to collect blacks into the District. We call such a segment a Party (or Type P) segment.

11. In all, there are 253 segments to the border of the 1st District.[4] But whether a given segment is of Type R, of Type P, or of neither type depends on just how one measures the racial composition of residents in a precinct, as well as how one measures the party preferences of a precinct's residents.

12. We used three different measures of the racial composition of the residents of each precinct:

a. the proportion of people living in the precinct who, in the 2010 US Census, reported their race as black or partially black;

b. the proportion of the people of voting age living in the precinct who, in the 2010 US Census, reported their race as black or partially black; and

c. the proportion of registered voters living in the precinct who are registered as blacks.

13. We used four different measures of party preference for the residents of each precinct:

a. the proportion of registered voters living in the district who are registered as democrats;

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[4] While these 253 segments encompass very nearly the entire boundary of the 1st District, there are a few gaps. These occur when the district line cuts through a precinct rather than following the precinct boundary. These gaps could not be included in the analysis because data on voting behavior are not available at the sub-precinct level.

b. the proportion of people living in the district and voting for Governor in 2008 who voted for the democratic gubernatorial candidate;

c. the proportion of people living in the district and voting for President in 2008 who voted for the democratic presidential candidate; and

d. the proportion of people living in the district and voting for US Senator in 2010 who voted for the democratic senatorial candidate.

14. We used each of the three measures of race cited in ¶12 above in conjunction with each of the four measures of party preference cited in ¶13 above, producing a total of twelve different segment analyses of the boundary of District 1. The results are summarized in Table P5.1 and graphed in Figure P5.1.

Table P5.1 Tallies of District 1 Segments by Race and Party Types

	Registered Democrat		Voted for Democrat: 2008 Governor		2008 President		2010 US Senate	
	Race	Party	Race	Party	Race	Party	Race	Party
Black Population	15	5	8	9	8	8	11	8
Black Voting Age Population	15	4	7	8	6	6	9	6
Black Registered Voters	20	7	7	6	6	1	9	1

Source: District_1 DRP Edit.dbf

15. In two of the twelve studies the number of segments supporting the Political Hypothesis exceeds the number of segments supporting the Race Hypothesis. There are two studies in which there are equal numbers of Type R and Type P segments. In the other eight studies, there is more support for the Race Hypothesis than for the Political Hypothesis, and in each of these eight, the imbalance is more pronounced than in either of the two studies favoring the Political Hypothesis.

16. While the classification of a segment as Type R or Type P depends on just how one characterizes its precincts' racial and political populations, there are just two segments which are unequivocal across all twelve studies — one of these is invariably of Type R, the other of Type P.

17. The studies above may be compared with a similar study undertaken of North Carolina's 12th Congressional District in the wake of the 1990 census and the ensuing litigation cited in Footnote 1 above. In that case, the dozen studies analogous to those depicted in Table P5.1 resulted in seven instances favoring the Political Hypothesis, three favoring the Race Hypothesis, and two ties. Thus, while this earlier study on balance favored the Political Hypothesis, the results in Table P5.1, in contrast, favor the Race Hypothesis.

CONCLUSIONS

18. I reviewed the steps undertaken in the Segment Analysis and determined that the calculations were correctly done. The analysis indicates that racial considerations better account for the boundary definition of the 1st NC Congressional Voting District than do party affiliation considerations. There is no indication that party affiliation dominated racial considerations.

/s/ David W. Peterson _____
David W. Peterson

State of NORTH CAROLINA
County of Durham

I certify that the above person personally appeared before me this day, acknowledging o me that he

voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

Date: May 8, 2012.

Official Signature of Notary /s/ Carolyn V. Rhodes

Notary's Printed or Typed Name: Carolyn V. Rhodes, Notary Public

My Commission Expires: April 20, 2013

[official seal]

Figure PS.1. Segment Analysis Results From Table PS.1.

Black Pop. v. Reg. Dem.

Black Pop. v. 2008 Gov.

Black Pop. v. 2008 Pres.

Black Pop. v. 2010 US Sen.

Black VA Pop. v. Reg. Dem.

Black VA Pop. v. 2008 Gov.

Black VA Pop. v. 2008 Pres.

Black VA Pop. v. 2010 US Sen.

Black Reg. v. Reg. Dem.

Black Reg. v. 2008 Gov.

Black Reg. v. 2008 Pres

Black Reg. v. 2010 US Sen.

			Inside Precinct							Outside Precinct						
Seq	InsidePrecinct	OutsidePrecinct	BPOP	BVAP	BNLG	LNLG	GOV08	PRES08	SEN10	BPOP	BVAP	BNLG	LNLG	GOV08	PRES08	SEN10
1	37013WASH1	37013CHOCO	0.47945	0.44852	0.43724	0.59823	0.72400	0.64358	0.54651	0.23361	0.22347	0.22149	0.47142	0.52178	0.36252	0.32498
2	37013WASH1	37013WASH4	0.47945	0.44852	0.43724	0.59823	0.72400	0.64358	0.54651	0.25569	0.24387	0.23882	0.50167	0.54210	0.43024	0.38521
3	37013WASH1	37013BLADM	0.47945	0.44852	0.43724	0.59823	0.72400	0.64358	0.54651	0.06343	0.05580	0.05671	0.30050	0.39964	0.16376	0.19630
4	37013WASH1	37013WASH3	0.47945	0.44852	0.43724	0.59823	0.72405	0.64358	0.54651	0.20911	0.20061	0.18399	0.49752	0.54439	0.40711	0.33754
5	37013PS/W3	37013BLOO	0.65289	0.61181	0.67746	0.75873	0.82759	0.77360	0.71746	0.29968	0.29600	0.44957	0.58680	0.59141	0.46963	0.45758
6	37013PS/W3	37013WASH4	0.65288	0.61181	0.67746	0.75873	0.82759	0.77360	0.71746	0.25569	0.24387	0.23882	0.50167	0.54210	0.43023	0.38521
7	37013WASH2	37013TCRK	0.52730	0.49626	0.49579	0.61763	0.70109	0.66502	0.58343	0.15297	0.15132	0.15120	0.43504	0.48219	0.31048	0.28637
8	37013WASH2	37013CHOCO	0.52730	0.49626	0.49579	0.61763	0.70109	0.66502	0.58343	0.23361	0.22347	0.22149	0.47142	0.52178	0.36252	0.32498
9	37015C1	370415	0.49959	0.47769	0.45051	0.74630	0.66388	0.49076	0.41728	0.18380	0.19373	0.18191	0.52050	0.52181	0.31455	0.28918
10	37015C1	370418	0.49959	0.47769	0.45051	0.74630	0.66388	0.49076	0.41728	0.04227	0.04237	0.02957	0.44885	0.42778	0.26180	0.23012
11	37015MH	370416	0.58266	0.57213	0.57722	0.77595	0.73309	0.69469	0.61836	0.23933	0.23955	0.23376	0.47359	0.55796	0.44435	0.37176
12	37015W1	37117W	0.66110	0.66281	0.61230	0.78819	0.76516	0.68018	0.61624	0.23567	0.25956	0.29129	0.65960	0.66019	0.37202	0.43478
13	37015WH	370418	0.40669	0.39168	0.42115	0.71827	0.62703	0.45900	0.43552	0.04277	0.04237	0.02957	0.44885	0.42778	0.26180	0.23012
14	370414	370415	0.42602	0.43561	0.42449	0.64531	0.63373	0.51895	0.46383	0.18380	0.19373	0.18191	0.52050	0.52181	0.31455	0.28918
15	370414	370413	0.42602	0.43561	0.42449	0.64531	0.63373	0.51895	0.46383	0.04227	0.04237	0.02957	0.44885	0.42778	0.26180	0.23012
16	370414	37143BELVID	0.42602	0.43561	0.42449	0.64531	0.63373	0.51895	0.46383	0.18521	0.19843	0.23907	0.57580	0.55508	0.37370	0.37413
17	370412	370413	0.41670	0.38784	0.38327	0.58558	0.64645	0.54260	0.43853	0.04227	0.04237	0.02957	0.44885	0.42778	0.26180	0.23012
18	370411	370416	0.55364	0.52483	0.52184	0.65646	0.72550	0.67853	0.56000	0.23933	0.23955	0.23376	0.47359	0.55796	0.44435	0.37176
19	3704909	3704910	0.45141	0.42902	0.44881	0.62799	0.71363	0.54378	0.48505	0.27126	0.28142	0.30230	0.55439	0.61300	0.37672	0.38462
20	3704909	37103P01	0.45141	0.42902	0.44881	0.62799	0.71363	0.54378	0.48505	0.33706	0.30414	0.34362	0.66044	0.66164	0.41432	0.44625
21	37049N4	37049N3	0.32484	0.30660	0.35562	0.50069	0.69173	0.63151	0.51763	0.22152	0.20671	0.22035	0.49084	0.61152	0.47411	0.39043
22	37049N4	37049N6	0.32484	0.30660	0.35562	0.50069	0.69173	0.63151	0.51763	0.16952	0.14727	0.14365	0.37326	0.54249	0.43277	0.36529
23	3704907	3704910	0.33569	0.30748	0.34638	0.54304	0.63194	0.43691	0.38156	0.27126	0.28142	0.30230	0.55439	0.61300	0.37672	0.38462
24	37049C7	3704915	0.33569	0.30748	0.34638	0.54304	0.63194	0.43691	0.38156	0.26348	0.23849	0.29332	0.51114	0.58712	0.41686	0.40227
25	37049C7	3704913	0.33569	0.30748	0.34638	0.54304	0.63194	0.43691	0.38156	0.11463	0.10811	0.10829	0.44251	0.50954	0.24432	0.26498
26	3704907	3704914	0.33569	0.30748	0.34638	0.54304	0.63194	0.43691	0.38156	0.33256	0.33512	0.30455	0.54496	0.63853	0.44828	0.41178
27	3704907	3704904	0.33569	0.30748	0.34638	0.54304	0.63194	0.43691	0.38156	0.28431	0.30259	0.36316	0.60842	0.62058	0.51994	0.43520
28	3704907	37103P04	0.33569	0.30748	0.34638	0.54304	0.63194	0.43691	0.38156	0.12734	0.12255	0.14255	0.59146	0.61867	0.46401	0.48892
29	3704907	37103P05	0.33569	0.30748	0.34638	0.54304	0.63194	0.43691	0.38156	0.47451	0.49350	0.52035	0.73388	0.73499	0.61747	0.58050
30	37049N2	3704903	0.66749	0.64397	0.63282	0.69323	0.80241	0.78195	0.73120	0.01925	0.01637	0.01401	0.35807	0.51781	0.25360	0.19943
31	37049N2	37049N3	0.66749	0.64397	0.63282	0.69323	0.80241	0.78195	0.73120	0.22152	0.20671	0.22095	0.49084	0.61152	0.47411	0.39043
32	37049N2	37049N6	0.66749	0.64397	0.63282	0.69323	0.80241	0.78195	0.73120	0.16952	0.14727	0.14365	0.37326	0.54249	0.43277	0.36529
33	3704906	3704913	0.39270	0.35771	0.38328	0.57872	0.68689	0.55145	0.48333	0.11463	0.10811	0.10829	0.44251	0.50954	0.24432	0.26498
34	3704906	3704908	0.39270	0.35771	0.38328	0.57872	0.68689	0.55145	0.48333	0.28431	0.30259	0.36316	0.60842	0.62058	0.51994	0.43520
35	3704906	3704911	0.39270	0.35771	0.38328	0.57872	0.68689	0.55145	0.48333	0.08246	0.07560	0.07254	0.36129	0.49299	0.26630	0.19604
36	3704906	3704906	0.39270	0.35771	0.38328	0.57872	0.68689	0.55145	0.48333	0.16952	0.14727	0.14365	0.37326	0.54249	0.43277	0.36529
37	3704908	3704910	0.33613	0.33469	0.40239	0.58765	0.66399	0.51406	0.46731	0.27126	0.28142	0.30230	0.55439	0.61300	0.37672	0.38462
38	3704908	37103P01	0.33613	0.33469	0.40239	0.58765	0.66399	0.51406	0.46731	0.33706	0.30414	0.34362	0.66044	0.66164	0.41432	0.44625
39	3704908	37103P05	0.33613	0.33469	0.40239	0.58765	0.66399	0.51406	0.46731	0.47451	0.49350	0.52035	0.73388	0.73499	0.61747	0.58050
40	37049N1	3704921	0.47571	0.44071	0.41254	0.56043	0.71674	0.63891	0.47503	0.08503	0.08705	0.09348	0.30043	0.48282	0.30992	0.24143
41	37049N1	3704903	0.47571	0.44071	0.41254	0.56043	0.71674	0.63891	0.47503	0.01925	0.01637	0.01401	0.35807	0.51781	0.25360	0.19943
42	37049N1	3704923	0.47571	0.44071	0.41254	0.56043	0.71674	0.63891	0.47503	0.13930	0.12989	0.13815	0.81158	0.68143	0.47189	0.37474
43	37049N1	3704911	0.47571	0.44071	0.41254	0.56043	0.71674	0.63891	0.47503	0.08246	0.07560	0.07254	0.36129	0.49299	0.26630	0.19604
44	37049N1	3704916	0.47571	0.44071	0.41254	0.56043	0.71674	0.63891	0.47503	0.10571	0.10707	0.10496	0.35332	0.48052	0.30159	0.25632
45	37049N3	3704943	0.47932	0.45387	0.50541	0.61712	0.76720	0.69643	0.59944	0.22152	0.20671	0.22035	0.49084	0.61152	0.47411	0.39043
46	37049N5	3704911	0.47932	0.45387	0.50541	0.61712	0.76720	0.69643	0.59944	0.08246	0.07560	0.07254	0.36129	0.49299	0.26630	0.19604
47	3706817	3706833	0.81074	0.83658	0.92662	0.86713	0.94625	0.96710	0.97120	0.40585	0.37937	0.41220	0.56420	0.72029	0.77878	0.73241

			Inside Precinct							Outside Precinct						
Seq	InsidePrecinct	OutsidePrecinct	BPOP	BVAP	BRSG	DREG	GOV08	PRES08	SEN10	BPOP	BVAP	BRSG	DREG	GOV08	PRES08	SEN10
48	3706303	3706304	0.25996	0.23016	0.25258	0.56142	0.82117	0.88832	0.86279	0.06693	0.06105	0.05412	0.63284	0.72080	0.79147	0.78547
49	3706305	3706310	0.26281	0.24020	0.28756	0.51956	0.70373	0.83925	0.84543	0.22096	0.20987	0.18873	0.52356	0.63774	0.70280	0.64779
50	3706305	3706304	0.26281	0.24020	0.28756	0.51956	0.70373	0.83925	0.84543	0.06693	0.06105	0.05412	0.63284	0.72080	0.79147	0.78547
51	3706329	3706332	0.37496	0.35470	0.39806	0.59030	0.59411	0.57189	0.57364	0.10458	0.09394	0.08099	0.39340	0.44991	0.47589	0.31705
52	3706329	3706445	0.37496	0.35470	0.39806	0.59030	0.59411	0.57189	0.57364	0.21021	0.20299	0.19415	0.50786	0.52017	0.54034	0.52251
53	3706329	3706328	0.37496	0.35470	0.39806	0.59030	0.59411	0.57189	0.57364	0.14269	0.14142	0.14491	0.39887	0.41889	0.43356	0.39114
54	3706329	37077CROM	0.37496	0.35470	0.39806	0.59030	0.59411	0.57189	0.57364	0.29591	0.28619	0.30711	0.53278	0.53394	0.51958	0.47375
55	3706329	3716316 UL	0.37496	0.35470	0.39806	0.59030	0.59411	0.57189	0.57364	0.05545	0.05266	0.07059	0.35057	0.34969	0.31504	0.26686
56	3706330-2	3706332	0.64276	0.61592	0.63912	0.69142	0.78031	0.82288	0.82061	0.10458	0.09394	0.08099	0.39340	0.44991	0.47589	0.31705
57	3706323	3706365	0.66241	0.64150	0.68246	0.73695	0.83348	0.85576	0.84404	0.21021	0.20299	0.19415	0.50786	0.52017	0.54034	0.52251
58	3706323	3706337	0.66241	0.64150	0.68246	0.73695	0.83348	0.85576	0.84404	0.14201	0.14196	0.10611	0.48556	0.48944	0.50936	0.47142
59	3706306	3706343	0.19970	0.21030	0.26249	0.61338	0.75865	0.86180	0.82949	0.07257	0.07221	0.06959	0.52278	0.63683	0.69832	0.66356
60	3706324	3706337	0.27983	0.25341	0.24610	0.56905	0.57676	0.60486	0.55461	0.14201	0.14196	0.10611	0.48556	0.48944	0.50936	0.47142
61	3706324	3706350	0.27983	0.25341	0.24610	0.56905	0.57676	0.60486	0.55461	0.22096	0.20987	0.18873	0.52356	0.63774	0.70280	0.64779
62	3706324	3706391	0.27983	0.25341	0.24610	0.56905	0.57676	0.60486	0.55461	0.06693	0.06105	0.05412	0.63284	0.72080	0.79147	0.78547
63	3706334	3706333	0.56526	0.56850	0.61932	0.70581	0.83319	0.88720	0.87675	0.40585	0.37937	0.41220	0.56420	0.72029	0.77873	0.73241
64	3706334	3706351	0.56526	0.56850	0.61932	0.70581	0.83319	0.88720	0.87675	0.17955	0.17057	0.16738	0.51824	0.67748	0.75622	0.73181
65	3706309	3706368	0.36210	0.34976	0.35215	0.67839	0.73928	0.81580	0.77716	0.28469	0.28208	0.32765	0.60500	0.73663	0.80000	0.75443
66	3706309	3706336	0.36210	0.34976	0.35215	0.67839	0.73928	0.81580	0.77716	0.28469	0.28208	0.32765	0.60500	0.73663	0.80000	0.75443
67	3706305	3706304	0.07316	0.06995	0.06977	0.56088	0.78107	0.88401	0.84923	0.06693	0.06105	0.05412	0.63284	0.72080	0.79147	0.78547
68	3706341	3706368	0.93133	0.92111	0.94596	0.89193	0.95889	0.97998	0.97394	0.29402	0.29119	0.30226	0.57088	0.69857	0.76874	0.70670
69	3706341	3706361	0.93133	0.92111	0.94596	0.89193	0.95889	0.97998	0.97394	0.17955	0.17057	0.16738	0.51824	0.67748	0.75622	0.73181
70	3706334	3706339	0.40159	0.38879	0.39845	0.58654	0.74814	0.80981	0.78699	0.40585	0.37937	0.41220	0.56420	0.72029	0.77873	0.73241
71	3706334	3706335	0.40159	0.38879	0.39845	0.58654	0.74814	0.80981	0.78699	0.28168	0.27211	0.28423	0.53126	0.65408	0.72454	0.69862
72	3706354	3706316	0.40159	0.38879	0.39845	0.58654	0.74814	0.80981	0.78699	0.27172	0.28313	0.25265	0.53748	0.68065	0.75998	0.71853
73	3706354	3706351	0.40159	0.38879	0.39845	0.58654	0.74814	0.80981	0.78699	0.17955	0.17057	0.16738	0.51824	0.67748	0.75622	0.73181
74	3706340	3706343	0.34313	0.32887	0.39208	0.66447	0.78657	0.87118	0.83565	0.07257	0.07221	0.06959	0.52278	0.63683	0.69832	0.66356
75	3706340	3706336	0.34313	0.32887	0.39208	0.66447	0.78657	0.87118	0.83565	0.28469	0.28208	0.32765	0.60500	0.73663	0.80000	0.75443
76	3706331	3706333	0.36690	0.34742	0.34051	0.55120	0.60177	0.61909	0.58647	0.40585	0.37937	0.41220	0.56420	0.72029	0.77873	0.73241
77	3706331	3706332	0.36690	0.34742	0.34051	0.55120	0.60177	0.61909	0.58647	0.10458	0.09394	0.08099	0.39340	0.44991	0.47589	0.31705
78	3706331	3718309-05	0.36690	0.34742	0.34051	0.55120	0.60177	0.61909	0.58647	0.21020	0.19577	0.16837	0.36393	0.51122	0.59328	0.47818
79	3706330-1	3706332	0.39312	0.37814	0.41734	0.58243	0.66530	0.67898	0.66519	0.10458	0.09394	0.08099	0.39340	0.44991	0.47589	0.31705
80	370650104	370650103	0.46380	0.41108	0.39070	0.72836	0.83529	0.91997	0.90555	0.40221	0.38068	0.32515	0.68475	0.57482	0.43594	0.43336
81	370650301	371470401	0.40570	0.43408	0.45593	0.72885	0.87717	0.98879	0.96061	0.55425	0.54106	0.57555	0.74929	0.71373	0.62665	0.58154
82	370650102	370650801	0.48612	0.45324	0.41791	0.73655	0.85211	0.96307	0.94769	0.30619	0.30156	0.32428	0.59736	0.54069	0.42222	0.43594
83	370650103	370650103	0.48612	0.45324	0.41791	0.73655	0.85211	0.96307	0.94769	0.40221	0.38068	0.32515	0.68475	0.57482	0.43594	0.43336
84	370650201	370650801	0.47219	0.44894	0.47298	0.72319	0.83573	0.94263	0.91974	0.30619	0.30156	0.32428	0.59736	0.54069	0.42222	0.43594
85	370650201	371470401	0.47219	0.44894	0.47298	0.72319	0.83573	0.94263	0.91974	0.55425	0.54106	0.57555	0.74929	0.71373	0.62665	0.58154
86	3706911	3706912	0.41317	0.41934	0.47643	0.71096	0.73222	0.83529	0.84507	0.34700	0.34122	0.36124	0.58915	0.60328	0.51974	0.51351
87	3706911	3706909	0.41317	0.41934	0.47643	0.71096	0.73222	0.83529	0.84507	0.21679	0.21529	0.28987	0.59606	0.52545	0.40190	0.43687
88	3706915	3706912	0.50638	0.51322	0.57899	0.68794	0.73143	0.74344	0.69316	0.34700	0.34122	0.36124	0.58915	0.60328	0.51974	0.51351
89	3706915	3706914	0.50638	0.51322	0.57899	0.68794	0.73143	0.74344	0.69316	0.12070	0.12351	0.12152	0.35409	0.40458	0.39009	0.36092
90	3706915	3706918	0.50638	0.51322	0.57899	0.68794	0.73143	0.74344	0.69316	0.12157	0.12085	0.12000	0.33630	0.38462	0.38879	0.33083
91	3706915	37181HTT	0.50638	0.51322	0.57899	0.68794	0.73143	0.74344	0.69316	0.35555	0.34918	0.37132	0.62627	0.56434	0.48820	0.47350
92	3706902	3706912	0.44662	0.46081	0.47274	0.67862	0.64054	0.59560	0.59037	0.34700	0.34122	0.36124	0.58915	0.60328	0.51974	0.51351
93	3706902	3706905	0.44662	0.46081	0.47274	0.67862	0.64054	0.59560	0.59037	0.19070	0.19039	0.23182	0.48687	0.45273	0.41876	0.38356
94	3706902	3706917	0.44662	0.46081	0.47274	0.67862	0.64054	0.59560	0.59037	0.18023	0.18007	0.12238	0.36227	0.41378	0.40387	0.33908

Appendix A

1st District Boundary Precincts

			Inside Precinct							Outside Precinct						
Seq	Inside Precinct	Outside Precinct	BPOP	BVAP	BREG	DREG	GOV08	PRES08	SEN10	BPOP	BVAP	BREG	DREG	GOV08	PRES08	SEN10
95	3706910	3706909	0.27301	0.27500	0.28355	0.59357	0.54632	0.41622	0.45228	0.21670	0.21529	0.23897	0.59605	0.52145	0.40190	0.43697
96	3706916	3706909	0.45091	0.44911	0.47037	0.69533	0.66263	0.61712	0.63836	0.21670	0.21529	0.23897	0.59605	0.52145	0.40190	0.43697
97	3706916	3706908	0.45091	0.44911	0.47037	0.69533	0.66263	0.61712	0.63836	0.22178	0.20782	0.22030	0.60555	0.48265	0.40522	0.40515
98	370731	370415	0.49578	0.50326	0.46879	0.68327	0.71277	0.63352	0.59709	0.18380	0.19373	0.18191	0.52050	0.52181	0.33455	0.28918
99	370731	370735	0.49578	0.50326	0.46879	0.68327	0.71277	0.63352	0.59709	0.24740	0.24668	0.26234	0.65631	0.58605	0.43169	0.38173
100	370731	370733	0.49578	0.50326	0.46879	0.68327	0.71277	0.63352	0.59709	0.38980	0.39497	0.41984	0.61958	0.64022	0.58550	0.55720
101	370731	370732	0.49578	0.50326	0.46879	0.68327	0.71277	0.63352	0.59709	0.13379	0.12839	0.15392	0.63883	0.45271	0.32932	0.30070
102	370731	370734N	0.49578	0.50326	0.46879	0.68327	0.71277	0.63352	0.59709	0.21026	0.21120	0.21415	0.44776	0.48144	0.42974	0.32759
103	3707345	370735	0.46687	0.46711	0.47448	0.68998	0.68984	0.63158	0.60944	0.24740	0.24668	0.26234	0.65631	0.58605	0.43169	0.38173
104	3707345	370734N	0.46687	0.46711	0.47448	0.68998	0.68984	0.63158	0.60944	0.21026	0.21120	0.21415	0.44776	0.48144	0.42974	0.32759
105	37077ANJI	37181WAIK	0.56519	0.59430	0.66445	0.76367	0.77919	0.77612	0.74221	0.03281	0.03571	0.03622	0.53521	0.34048	0.24178	0.30797
106	37077SALM	37077SASS	0.31731	0.32106	0.32173	0.64530	0.52686	0.48143	0.44016	0.30895	0.30153	0.35589	0.64016	0.60375	0.52776	0.52369
107	37077SALM	37181WATK	0.31281	0.32106	0.32173	0.64530	0.52686	0.48143	0.44016	0.03281	0.03571	0.03622	0.53521	0.34048	0.24178	0.30797
108	37077TYHO	3706328	0.15271	0.15383	0.16267	0.46645	0.42815	0.36490	0.32849	0.14269	0.14142	0.14494	0.39887	0.41889	0.43356	0.39114
109	37077TYHO	37077BERE	0.15271	0.15383	0.16267	0.46645	0.42815	0.36490	0.32849	0.33165	0.33773	0.35681	0.63313	0.56529	0.50919	0.45624
110	3707TTHO	3707WILT	0.15271	0.15383	0.16267	0.46645	0.42815	0.36490	0.32849	0.09644	0.09990	0.10629	0.32854	0.37206	0.37056	0.30831
111	37077TYHO	37077CROM	0.15271	0.15383	0.16267	0.46645	0.42815	0.36490	0.32849	0.29591	0.28619	0.30711	0.53278	0.53394	0.51958	0.47375
112	37077TYHO	37145MTT7	0.15271	0.15383	0.16267	0.46645	0.42815	0.36490	0.32849	0.13144	0.13681	0.17740	0.44747	0.47757	0.45120	0.34649
113	37077WOLL	37077BLRL	0.52507	0.51913	0.53067	0.72579	0.72338	0.68799	0.66894	0.33165	0.33773	0.35681	0.63313	0.56529	0.50919	0.45624
114	37077WOEL	37077SASS	0.52507	0.51913	0.53067	0.72579	0.72338	0.68799	0.66894	0.30895	0.30153	0.35589	0.64016	0.60375	0.52776	0.52369
115	37077CORI	37077WILT	0.29947	0.30472	0.36428	0.66819	0.56793	0.50136	0.48249	0.09644	0.09990	0.10629	0.32854	0.37206	0.37056	0.30831
116	3707TCORI	37181WAIK	0.29947	0.30472	0.36428	0.66819	0.56793	0.50136	0.48249	0.03281	0.03571	0.03622	0.53521	0.34048	0.24178	0.30797
117	37077CORI	37181KITT	0.29947	0.30472	0.36428	0.66819	0.56793	0.50136	0.48249	0.35855	0.34918	0.37132	0.62627	0.56424	0.48820	0.47350
118	37077BTNR	3706328	0.43329	0.43042	0.36082	0.60457	0.58897	0.55988	0.52568	0.14269	0.14142	0.14494	0.39887	0.41889	0.43356	0.39114
119	37077BTNR	37077CROM	0.43329	0.43042	0.36082	0.60457	0.58897	0.55988	0.52568	0.29591	0.28619	0.30711	0.53278	0.53394	0.51958	0.47375
120	37079AUST	37079BEAR	0.33758	0.34187	0.40499	0.67577	0.64522	0.53217	0.50660	0.30895	0.27925	0.32019	0.70251	0.61310	0.39225	0.45843
121	37079BULL	3719102	0.33758	0.34187	0.40499	0.67577	0.64522	0.53217	0.50660	0.17142	0.16965	0.17277	0.38472	0.40206	0.28405	0.25392
122	37079BULL	37195PRST	0.33758	0.34187	0.40499	0.67577	0.64522	0.53217	0.50660	0.37043	0.36310	0.41101	0.59632	0.62581	0.52929	0.54294
123	37079SHEN	37079BEAR	0.28297	0.27149	0.30801	0.64669	0.55762	0.39074	0.39066	0.30895	0.27925	0.32019	0.70251	0.61310	0.39225	0.45843
124	3707SHEN	3719115	0.28298	0.27149	0.30801	0.64669	0.55762	0.39074	0.39066	0.15649	0.15816	0.17730	0.39765	0.41586	0.27959	0.23498
125	37079SHI	37079BEAR	0.41909	0.40010	0.43020	0.73165	0.68455	0.54880	0.55556	0.30895	0.27925	0.32019	0.70251	0.61310	0.39225	0.45843
126	37079SHI	37079MAUR	0.41909	0.40010	0.43020	0.73165	0.68455	0.54880	0.55556	0.47383	0.48173	0.41221	0.74261	0.63127	0.48588	0.47208
127	37079SUGG	37079MAUR	0.39445	0.38219	0.40105	0.66178	0.61696	0.46712	0.46813	0.47383	0.48173	0.41221	0.74261	0.63127	0.48588	0.47208
128	37079SUGG	37079HOOK	0.39445	0.38219	0.40105	0.66178	0.61696	0.46712	0.46813	0.29838	0.29298	0.31277	0.61406	0.56203	0.40525	0.39433
129	37079ARBA	37079BEAR	0.46440	0.43889	0.46593	0.68901	0.67618	0.54429	0.50389	0.30465	0.27925	0.32019	0.70251	0.61310	0.39225	0.45843
130	37079ARBA	371071	0.46440	0.43889	0.46593	0.68901	0.67618	0.54429	0.50389	0.29554	0.30969	0.22972	0.45295	0.48757	0.32903	0.26501
131	37091CM	370733	0.37690	0.38298	0.40839	0.67550	0.64396	0.56156	0.59903	0.38980	0.39497	0.41984	0.61958	0.64022	0.58550	0.55720
132	37091CM	370732	0.37690	0.38298	0.40839	0.67550	0.64396	0.56156	0.59903	0.13379	0.12839	0.15392	0.63883	0.45271	0.32932	0.30070
133	37091CO	370732	0.70737	0.68542	0.72100	0.79937	0.85430	0.81004	0.84268	0.13379	0.12839	0.15392	0.63883	0.45271	0.32932	0.30070
134	3709IWN	370732	0.66143	0.64378	0.70235	0.84158	0.83559	0.80577	0.76102	0.13379	0.12839	0.15392	0.63883	0.45271	0.32932	0.30070
135	37091HV	370415	0.54046	0.52413	0.53974	0.77461	0.69231	0.60672	0.56069	0.18380	0.19373	0.18191	0.52050	0.52181	0.33455	0.28918
136	37091HV	370732	0.54046	0.52413	0.53974	0.77461	0.69231	0.60672	0.56069	0.13379	0.12839	0.15392	0.63883	0.45271	0.32932	0.30070
137	37107SH	3704910	0.11863	0.12593	0.13828	0.44687	0.46311	0.25470	0.22823	0.27126	0.28142	0.30230	0.55439	0.61300	0.37672	0.38462
138	37107SH	37103P01	0.11863	0.12593	0.13828	0.44687	0.46311	0.25470	0.22823	0.33706	0.30414	0.34362	0.60449	0.66164	0.41432	0.44625
139	37107SH	37107SW	0.11863	0.12593	0.13828	0.44687	0.46311	0.25470	0.22823	0.08711	0.09290	0.08100	0.42085	0.48309	0.21534	0.22145
140	37107SH	37107C	0.11863	0.12593	0.13828	0.44687	0.46311	0.25470	0.22823	0.41151	0.39391	0.41926	0.60121	0.64237	0.49496	0.44802
141	37107MH	371071	0.40700	0.40616	0.46013	0.64771	0.64486	0.53213	0.50860	0.29554	0.30969	0.22972	0.45295	0.48757	0.32903	0.26501

			Inside Precinct							Outside Precinct						
Seq	InsidePrecinct	OutsidePrecinct	BPOP	BVAP	BREG	DREG	GOV08	PRES08	SEN10	BPOP	BVAP	BREG	DREG	GOV08	PRES08	SEN10
142	37107MII	37107FC	0.40700	0.40516	0.46013	0.64773	0.64486	0.53213	0.50860	0.18447	0.17170	0.15250	0.43374	0.47678	0.27176	0.23338
143	37107MH	37107T2	0.40700	0.40516	0.46013	0.64773	0.64486	0.53213	0.50860	0.05893	0.05607	0.06908	0.43941	0.49884	0.23205	0.18993
144	37107MH	3719115	0.40700	0.40516	0.46013	0.64773	0.64486	0.53213	0.50860	0.15549	0.15816	0.17730	0.39765	0.41586	0.27959	0.23458
145	37107K7	37107SW	0.80886	0.79256	0.80761	0.78579	0.87275	0.84321	0.82378	0.08711	0.09290	0.09100	0.42085	0.48309	0.21534	0.22145
146	37107K7	37107C	0.80886	0.79256	0.80761	0.78579	0.87275	0.84321	0.82378	0.41151	0.39391	0.41926	0.60121	0.64237	0.49496	0.44802
147	37107K9	37107FC	0.48844	0.46597	0.44915	0.66737	0.69421	0.55734	0.57561	0.18447	0.17170	0.15250	0.43374	0.47678	0.27176	0.23338
148	37107K9	37107K4	0.48844	0.46597	0.44915	0.66737	0.69421	0.55734	0.57561	0.28342	0.27450	0.21097	0.56595	0.59521	0.38649	0.38677
149	37107K1	37107SW	0.96298	0.96779	0.96559	0.94562	0.97735	0.98833	0.95918	0.08711	0.09290	0.09100	0.42085	0.48309	0.21534	0.22145
150	37107K1	37107N	0.96298	0.96779	0.96559	0.94562	0.97735	0.98833	0.95918	0.24761	0.22986	0.25033	0.54450	0.56061	0.33430	0.30958
151	37107K6	37107C	0.85644	0.83683	0.85060	0.83819	0.90458	0.88153	0.86815	0.41151	0.39391	0.41926	0.60121	0.64237	0.49496	0.44802
152	37107K8	37107SW	0.98276	0.98390	0.98182	0.91082	0.98788	0.99174	0.98999	0.08711	0.09290	0.09100	0.42085	0.48309	0.21534	0.22145
153	37107K3	37107N	0.61090	0.57300	0.60671	0.69736	0.78322	0.71059	0.69732	0.24761	0.22986	0.25033	0.54450	0.56061	0.33430	0.30958
154	37107K3	37107FC	0.61090	0.57300	0.60671	0.69736	0.78322	0.71059	0.69732	0.18447	0.17170	0.15250	0.43374	0.47678	0.27176	0.23338
155	37107K3	37107K4	0.61090	0.57300	0.60671	0.69736	0.78322	0.71059	0.69732	0.28342	0.27450	0.21097	0.56595	0.59521	0.38649	0.38677
156	37107K5	37107K4	0.60108	0.57028	0.54839	0.78048	0.77811	0.66897	0.67546	0.28342	0.27450	0.21097	0.56595	0.59521	0.38649	0.38677
157	37117HM	37117PP	0.58963	0.56728	0.57686	0.74134	0.77196	0.64590	0.62529	0.30137	0.28682	0.29936	0.61146	0.62802	0.38679	0.41045
158	37117W2	37117PP	0.53602	0.50372	0.52728	0.71313	0.75786	0.62797	0.61354	0.30137	0.28682	0.29936	0.61146	0.62802	0.38679	0.41045
159	37117W2	37117CR	0.53602	0.50372	0.52728	0.71313	0.75786	0.62797	0.61354	0.32079	0.31520	0.34872	0.60511	0.66189	0.44699	0.46288
160	37117R2	37117PP	0.64910	0.63346	0.64997	0.77076	0.77539	0.68695	0.63748	0.30137	0.28682	0.29936	0.61146	0.62802	0.38679	0.41045
161	37117R2	37117CR	0.64910	0.63346	0.64997	0.77076	0.77539	0.68695	0.63748	0.32079	0.31520	0.34872	0.60511	0.66189	0.44699	0.46288
162	37117R2	371470401	0.64910	0.63346	0.64997	0.77076	0.77539	0.68695	0.63748	0.55425	0.54106	0.57555	0.74029	0.71373	0.62665	0.58154
163	37117W1	37117W	0.50487	0.47481	0.48627	0.71009	0.71528	0.55750	0.53472	0.23567	0.25956	0.29129	0.65960	0.66019	0.37202	0.43478
164	37117W1	37117GR	0.50487	0.47481	0.48627	0.71009	0.71528	0.55750	0.53472	0.18749	0.17729	0.18615	0.65476	0.59087	0.29815	0.31801
165	37117W1	37117CR	0.50487	0.47481	0.48627	0.71009	0.71528	0.55750	0.53472	0.32079	0.31520	0.34872	0.60511	0.66189	0.44699	0.46288
166	37117W1	37117BG	0.50487	0.47481	0.48627	0.71009	0.71528	0.55750	0.53472	0.13220	0.13317	0.13842	0.52587	0.50734	0.25501	0.30013
167	37117R1	37117CR	0.60818	0.59030	0.63163	0.74034	0.76291	0.66579	0.64229	0.32079	0.31520	0.34872	0.60511	0.66189	0.44699	0.46288
168	37117R1	371470401	0.60818	0.59030	0.63163	0.74034	0.76291	0.66579	0.64229	0.55425	0.54106	0.57555	0.74029	0.71373	0.62665	0.58154
169	371270007	371270026	0.56194	0.56422	0.61224	0.69388	0.75350	0.73047	0.71910	0.09536	0.09210	0.08556	0.35810	0.33255	0.21737	0.20982
170	371270007	371270015	0.56194	0.56422	0.61224	0.69388	0.75350	0.73047	0.71910	0.37996	0.37739	0.35419	0.55565	0.55070	0.47588	0.47676
171	371270022	371270026	0.50948	0.50518	0.50249	0.60518	0.66896	0.62259	0.62281	0.09536	0.09210	0.08556	0.35810	0.33255	0.21737	0.20982
172	371270003	3706909	0.31628	0.31623	0.36222	0.54190	0.58108	0.49844	0.51635	0.21679	0.21529	0.23897	0.59608	0.52145	0.40190	0.43697
173	371270003	3706909	0.31628	0.31623	0.36222	0.54190	0.58108	0.49844	0.51635	0.22170	0.20782	0.22010	0.40555	0.48265	0.46522	0.40515
174	371270003	371270015	0.31628	0.31623	0.36222	0.54190	0.58108	0.49844	0.51635	0.37996	0.37739	0.35419	0.55565	0.55070	0.47588	0.47676
175	371270038	371270041	0.48938	0.46660	0.42808	0.60314	0.63402	0.61082	0.60757	0.22667	0.21863	0.20914	0.42680	0.40854	0.30929	0.32612
176	371270038	371270036	0.48938	0.46660	0.42808	0.60314	0.63402	0.61082	0.60757	0.33506	0.31554	0.28449	0.51969	0.51471	0.44470	0.41300
177	371270031	371270036	0.64367	0.63204	0.62378	0.82812	0.77648	0.75448	0.71842	0.33506	0.31554	0.28449	0.51969	0.51471	0.44470	0.41300
178	371270040	371270041	0.46256	0.44411	0.41911	0.54101	0.62964	0.60444	0.59044	0.22667	0.21863	0.20914	0.42680	0.40854	0.30929	0.32612
179	371270037	371270036	0.56812	0.54789	0.52041	0.66257	0.67408	0.65512	0.56223	0.33506	0.31554	0.28449	0.51969	0.51471	0.44470	0.41300
180	371270034	371270036	0.75304	0.72179	0.72951	0.75281	0.82367	0.81097	0.77391	0.33506	0.31554	0.28449	0.51969	0.51471	0.44470	0.41300
181	371270034	371270035	0.75304	0.72179	0.72951	0.75281	0.82367	0.81097	0.77391	0.24327	0.21633	0.20625	0.41997	0.41688	0.33347	0.28571
182	371270011	3706908	0.39119	0.39269	0.43105	0.63432	0.63304	0.58575	0.59259	0.22170	0.20782	0.22010	0.40555	0.48265	0.46522	0.40515
183	371270011	371270015	0.39119	0.39269	0.43105	0.63432	0.63304	0.58575	0.59259	0.37996	0.37739	0.35419	0.55565	0.55070	0.47588	0.47676
184	371270011	371270012	0.39119	0.39269	0.43105	0.63432	0.63304	0.58575	0.59259	0.19220	0.18623	0.20091	0.54110	0.47049	0.31438	0.35358
185	371270011	371270004	0.39119	0.39269	0.43105	0.63432	0.63304	0.58575	0.59259	0.05959	0.05978	0.05751	0.33847	0.28238	0.17989	0.17447
186	371270011	371270008	0.39119	0.39269	0.43105	0.63432	0.63304	0.58575	0.59259	0.15877	0.16883	0.22954	0.51692	0.45505	0.36774	0.45791
187	371270011	371270006	0.39119	0.39269	0.43105	0.63432	0.63304	0.58575	0.59259	0.18024	0.16985	0.18635	0.46560	0.42318	0.34433	0.33067
188	371270002	371270041	0.47607	0.48299	0.47239	0.60911	0.61998	0.56180	0.53938	0.22667	0.21863	0.20914	0.42680	0.40854	0.30929	0.32612

			Inside Precinct							Outside Precinct						
Seq	InsidePrecinct	OutsidePrecinct	BPOP	BVAP	BREG	DREG	GOV08	PRES08	SEN10	BPOP	BVAP	BREG	DREG	GOV08	PRES08	SEN10
189	371270002	371270026	0.47607	0.48299	0.47239	0.60911	0.61998	0.56189	0.53938	0.09536	0.09210	0.08556	0.35810	0.33255	0.21737	0.20982
190	37139MH	37139NIX	0.27564	0.27241	0.30070	0.49350	0.59651	0.48642	0.46818	0.17568	0.17565	0.18656	0.42128	0.48502	0.36287	0.35260
191	37139MH	37143NICANO	0.27564	0.27241	0.30070	0.49350	0.59651	0.48642	0.46818	0.17391	0.18657	0.25000	0.73276	0.63158	0.38919	0.40336
192	37139MH	37143NEW-HO	0.27564	0.27241	0.30070	0.49350	0.59651	0.48642	0.46818	0.17138	0.17792	0.18038	0.43707	0.48539	0.36708	0.26278
193	371393-A	37139NIX	0.49706	0.47580	0.49041	0.63053	0.73290	0.66703	0.61588	0.17568	0.17565	0.18656	0.42128	0.48502	0.36287	0.35260
194	371391-A	37029CH	0.43541	0.42458	0.39174	0.56898	0.68706	0.63710	0.58643	0.14338	0.14773	0.18358	0.44503	0.48871	0.34395	0.33731
195	37143PARKVI	37143BELVID	0.33074	0.32313	0.33389	0.58292	0.61675	0.48870	0.45455	0.18571	0.19843	0.23907	0.57580	0.55508	0.37370	0.37413
196	37143PARKVI	37143NICANO	0.33074	0.32313	0.33389	0.58292	0.61675	0.48870	0.45455	0.17391	0.18657	0.25000	0.73276	0.63158	0.38919	0.40336
197	37143PARKVI	37143BETHEL	0.33074	0.32313	0.33389	0.58292	0.61675	0.48870	0.45455	0.14339	0.12285	0.12119	0.35696	0.43424	0.36064	0.29624
198	37143PARKVI	37143NEW-HO	0.33074	0.32313	0.33389	0.58292	0.61675	0.48870	0.45455	0.17138	0.17792	0.18038	0.43707	0.48539	0.36708	0.26278
199	37143EAST H	370416	0.53689	0.49869	0.46786	0.68715	0.70255	0.61486	0.52670	0.23933	0.23955	0.23376	0.47359	0.55796	0.44435	0.37176
200	37143EAST-H	37143BETHEL	0.53689	0.49869	0.46786	0.68715	0.70255	0.61486	0.52670	0.14339	0.12285	0.12119	0.35696	0.43424	0.36064	0.29624
201	37143WEST-H	37143BELVID	0.26985	0.25325	0.23516	0.58906	0.64505	0.46167	0.40482	0.18571	0.19843	0.23907	0.57580	0.55508	0.37370	0.37413
202	371470301	371470401	0.48477	0.48381	0.59058	0.69876	0.74817	0.68736	0.65302	0.55425	0.54106	0.57555	0.74929	0.75373	0.62665	0.58154
203	37147150K	37147C101	0.61913	0.57753	0.59717	0.66395	0.78948	0.80108	0.79564	0.41756	0.39830	0.39112	0.55814	0.61202	0.53478	0.49723
204	371471501	3714715088	0.75298	0.76761	0.87282	0.82294	0.92387	0.93569	0.91614	0.10813	0.09088	0.09742	0.37886	0.55820	0.57724	0.49111
205	371471101	37013CHOCO	0.34403	0.33245	0.36240	0.57748	0.60854	0.49592	0.43381	0.23361	0.22367	0.22149	0.47142	0.52176	0.36252	0.32498
206	371471101	371470601	0.34403	0.33245	0.36240	0.57748	0.60854	0.49592	0.43381	0.11565	0.11159	0.10717	0.39995	0.39585	0.24088	0.19613
207	371471101	3714711028	0.34403	0.33245	0.36240	0.57748	0.60854	0.49592	0.43381	0.14983	0.15673	0.16876	0.39634	0.46005	0.34852	0.32410
208	371470901	370660801	0.32670	0.31909	0.32976	0.57738	0.66645	0.45719	0.42857	0.30619	0.30158	0.32428	0.59736	0.54069	0.42222	0.43594
209	37181WH2	37181WATK	0.52285	0.48525	0.46000	0.75222	0.62500	0.58104	0.53970	0.08281	0.03571	0.03622	0.53521	0.34048	0.24178	0.30797
210	37181TWNS	370775ASS	0.50410	0.49311	0.52509	0.70244	0.64571	0.62890	0.58351	0.30025	0.30153	0.35589	0.64016	0.60375	0.52776	0.52369
211	37181MIDD	371815CRK	0.47980	0.46817	0.47685	0.69162	0.64884	0.61187	0.57844	0.40530	0.38786	0.43219	0.67232	0.64626	0.56093	0.54514
212	3/181DABN	3/181WAIK	0.34564	0.34359	0.34178	0.64077	0.57863	0.50152	0.48624	0.08281	0.03571	0.03622	0.53521	0.34048	0.24178	0.30797
213	37181WMSB	370775ASS	0.52101	0.50908	0.55139	0.71173	0.69341	0.67580	0.61873	0.30025	0.30153	0.35589	0.64016	0.60375	0.52776	0.52369
214	37181NH2	371815CRK	0.50085	0.47162	0.46267	0.73867	0.66969	0.60503	0.58777	0.40530	0.38786	0.43219	0.67232	0.64626	0.56093	0.54514
215	37181SH2	371815CRK	0.39385	0.37879	0.49467	0.72899	0.73905	0.68124	0.62667	0.40530	0.38786	0.43219	0.67232	0.64626	0.56093	0.54514
216	37181SH2	37181KITT	0.39385	0.37879	0.49467	0.72899	0.73905	0.68124	0.62667	0.35555	0.34918	0.37132	0.62627	0.56424	0.48820	0.47350
217	37181HTOP	37181WAIK	0.57929	0.57311	0.58435	0.76284	0.73684	0.69586	0.67991	0.08281	0.03571	0.03622	0.53521	0.34048	0.24178	0.30797
218	37181HTOP	37181KITT	0.57929	0.57311	0.58435	0.76284	0.73684	0.69586	0.67991	0.35555	0.34918	0.37132	0.62627	0.56424	0.48820	0.47350
219	37181EH2	371815CRK	0.53988	0.51012	0.58952	0.75981	0.76378	0.70159	0.66737	0.40530	0.38786	0.43219	0.67232	0.64626	0.56093	0.54514
220	3/1856	3/06912	0.60665	0.58085	0.66897	0.81331	0.80075	0.76589	0.78218	0.34700	0.34122	0.36324	0.58935	0.60328	0.51974	0.51351
221	371856	371815CRK	0.60665	0.58085	0.66897	0.81331	0.80075	0.76589	0.78218	0.40530	0.38786	0.43219	0.67232	0.64626	0.56093	0.54514
222	37187LM	3701BPANTE	0.57430	0.55391	0.58574	0.78456	0.77952	0.66849	0.62587	0.31975	0.33693	0.34089	0.57498	0.52768	0.37548	0.34219
223	37187LM	370416	0.57430	0.55391	0.58574	0.78456	0.77952	0.66849	0.62587	0.23933	0.23955	0.23376	0.47359	0.55796	0.44435	0.37176
224	37187LM	370959M	0.57430	0.55391	0.58574	0.78456	0.77952	0.66849	0.62587	0.04890	0.04751	0.07483	0.44795	0.32673	0.14851	0.11868
225	37187LM	371875K	0.57430	0.55391	0.58574	0.78456	0.77952	0.66849	0.62587	0.33438	0.32560	0.37722	0.66785	0.66777	0.50906	0.46620
226	3719117	3719123	0.74654	0.68279	0.84024	0.78178	0.92235	0.94977	0.92217	0.24480	0.23143	0.20976	0.41156	0.51658	0.46753	0.38277
227	3719117	3719128	0.74654	0.68279	0.84024	0.78178	0.92235	0.94977	0.92217	0.23463	0.22948	0.29123	0.45260	0.51885	0.44096	0.36123
228	3/19117	3/19109	0.74654	0.68279	0.84024	0.78178	0.92235	0.94977	0.92217	0.23763	0.25870	0.14162	0.37446	0.37227	0.27691	0.22272
229	3719117	3719116	0.74654	0.68279	0.84024	0.78178	0.92235	0.94977	0.92217	0.28254	0.25594	0.26635	0.48387	0.48939	0.39964	0.32318
230	3719128	3719129	0.37738	0.38603	0.47893	0.58407	0.64156	0.60767	0.52031	0.23463	0.22948	0.29123	0.45260	0.51885	0.44096	0.36123
231	3719126	3719116	0.37738	0.38603	0.47893	0.58407	0.64156	0.60767	0.52031	0.28254	0.25594	0.26635	0.48387	0.48939	0.39964	0.32318
232	3719127	3719128	0.54569	0.55123	0.66459	0.67817	0.77778	0.75873	0.75279	0.23463	0.22948	0.29123	0.45260	0.51885	0.44096	0.36123
233	3719127	3719116	0.54569	0.55123	0.66459	0.67817	0.77778	0.75873	0.75279	0.28254	0.25594	0.26635	0.48387	0.48939	0.39964	0.32318
234	3719111	3719105	0.46032	0.41910	0.41675	0.58088	0.57697	0.54534	0.46942	0.13691	0.13647	0.13264	0.32120	0.33631	0.27050	0.23002
235	3719111	3719106	0.46032	0.41910	0.41675	0.58088	0.57697	0.54534	0.46942	0.28703	0.28170	0.30227	0.47731	0.50459	0.42083	0.37739

Appendix A

1st District Boundary Precincts

			Inside Precinct							Outside Precinct						
Seq	InsidePrecinct	OutsidePrecinct	BPOP	BVAP	BREG	DREG	GOV08	PRES08	SEN10	BPOP	BVAP	BREG	DREG	GOV08	PRES08	SEN10
236	3719110	3719109	0.74354	0.71095	0.70472	0.71734	0.76167	0.77617	0.67651	0.23763	0.25870	0.14162	0.37446	0.37227	0.27651	0.22272
237	3719110	3719105	0.74354	0.71095	0.70472	0.71734	0.76167	0.77617	0.67651	0.13691	0.13647	0.13264	0.37120	0.33631	0.27050	0.23002
238	3719119	3719123	0.66680	0.72304	0.84347	0.80918	0.91262	0.93950	0.92507	0.24480	0.23143	0.26976	0.41156	0.51658	0.46753	0.38277
239	3719107	3719115	0.21594	0.21927	0.22991	0.41991	0.44991	0.36293	0.32447	0.15549	0.15816	0.17730	0.39765	0.41586	0.27959	0.23458
240	3719107	3719102	0.21594	0.21927	0.22991	0.41991	0.44991	0.36293	0.32447	0.17142	0.16965	0.17177	0.38472	0.40806	0.28405	0.25392
241	3719107	3719106	0.21594	0.21927	0.22991	0.41991	0.44991	0.36293	0.32447	0.28703	0.28170	0.30227	0.47731	0.50459	0.42083	0.37719
242	3719122	3719123	0.34151	0.30729	0.29114	0.54661	0.53375	0.47619	0.40362	0.24480	0.23143	0.26976	0.41156	0.51658	0.46753	0.38277
243	3719121	3719123	0.55685	0.52717	0.51018	0.64310	0.65031	0.64377	0.58043	0.24480	0.23143	0.26976	0.41156	0.51658	0.46753	0.38277
244	3719112	3719106	0.36341	0.33697	0.34778	0.50390	0.55475	0.49976	0.46119	0.28703	0.28170	0.30227	0.47731	0.50459	0.42083	0.37719
245	3719113	3719123	0.46420	0.47842	0.53916	0.58817	0.68198	0.67033	0.66521	0.24480	0.23143	0.26976	0.41156	0.51658	0.46753	0.38277
246	3719113	3719114	0.46420	0.47842	0.53916	0.58817	0.68198	0.67033	0.66521	0.14154	0.13996	0.11634	0.30433	0.33782	0.25770	0.19351
247	37195PRWC	37195PRWX	0.72220	0.72408	0.80157	0.81308	0.88930	0.88929	0.87838	0.16341	0.15570	0.14799	0.50836	0.40278	0.35104	0.34457
248	37195PRWE	37195PRWO	0.58120	0.56553	0.60922	0.70013	0.73954	0.71190	0.64184	0.39253	0.37450	0.41223	0.58035	0.56588	0.51829	0.47936
249	37195PRWN	37195PRST	0.83682	0.85178	0.91952	0.87192	0.94448	0.95460	0.94263	0.37043	0.36310	0.41103	0.59632	0.62581	0.52929	0.54294
250	37195PRWH	37195PRBL	0.78490	0.79903	0.93657	0.86323	0.96237	0.95799	0.96507	0.13310	0.12703	0.14082	0.43709	0.37648	0.27787	0.29570
251	37195PRWH	37195PRST	0.78490	0.79903	0.93657	0.86323	0.96237	0.95799	0.96507	0.37043	0.36310	0.41103	0.59632	0.62581	0.52929	0.54294
252	37195PRWI	37195PRBL	0.53782	0.51473	0.56069	0.69483	0.69866	0.67734	0.67542	0.13310	0.12703	0.14082	0.43709	0.37648	0.27787	0.29570
253	37195PRWR	37195PRTO	0.64443	0.66290	0.84494	0.81027	0.90843	0.92874	0.92119	0.39253	0.37450	0.41223	0.58035	0.56588	0.51829	0.47936

EXPERT REPORT OF STEPHEN ANSOLABEHERE

I. Background and Qualifications

1. I am a professor of Government in the Department of Government at Harvard University in Cambridge, MA. Formerly, I was an Assistant Professor at the University of California, Los Angeles, and I was Professor of Political Science at the Massachusetts Institute of Technology, where I held the Elting R. Morison Chair and served as Associate Head of the Department of Political Science. I directed the Caltech/MIT Voting Technology Project from its inception in 2000 through 2004, am the Principal Investigator of the Cooperative Congressional Election Study, a survey research consortium of over 250 faculty and student researchers at more than 50 universities, and serve on the Board of Overseers of the American National Election Study. I am a consultant to CBS News' Election Night Decision Desk. I am a member of the American Academy of Arts and Sciences (inducted in 2007).

2. I have worked as a consultant to the Brennan Center in the case of McConnell v. FEC, 540 US 93 (2003). I have testified before the U.S. Senate Committee on Rules, the U.S. Senate Committee on Commerce, the U.S. House Committee on Science, Space, and Technology, the U.S. House Committee on House Administration, and the Congressional Black Caucus on matters of election administration in the United States. I filed an amicus brief with Professors Nathaniel Persily and Charles Stewart on behalf of neither party to the U.S. Supreme Court in the case of *Northwest Austin Municipal Utility District Number One v. Holder*, 557 US 193 (2009). I am consultant for the Rodriguez plaintiffs in *Perez v. Perry*, currently

before the District Court in the Western District of Texas (No. 5:11-cv-00360 W. D. Tex), and the Gonzales intervenors in *State of Texas v. United States* before the District Court in the District of Columbia (No. 1:11-cv-01303); I consulted for the Department of Justice in *State of Texas v. Holder*, before the District Court in the District of Columbia (No. 1:12-cv-00128); I consulted for the Guy plaintiffs in *Guy v. Miller* in Nevada District Court (No. 11-0C-00042-1B, Nev. Dist. Ct., Carson City); I consulted for the Florida Democratic Party in *In re Senate Joint Resolution of Legislative Apportionment* (Nos. 2012-CA-412, 2012-CA-490); I am consultant for the Romo plaintiffs in *Romo v. Detzner* in the Circuit Court of the Second Judicial Circuit in Florida (No. 2012 CA 412); I am consultant for the San Antonio Water District in *League of United Latin American Citizens v. Edwards Aquifer Authority* (No. 5:12cv620-OLG, U. S. District Court for the Western District of Texas, San Antonio Division).

3. My areas of expertise include American government, with particular expertise in electoral politics, representation, and public opinion, as well as statistical methods in social sciences. I am author of numerous scholarly works on voting behavior and elections, the application of statistical methods in social sciences, legislative politics and representation, and distributive politics. This scholarship includes articles in such academic journals as the *Journal of the Royal Statistical Society, the American Political Science Review, the American Economic Review, the American Journal of Political Science, Legislative Studies Quarterly, the Quarterly Journal of Political Science, Electoral Studies*, and *Political Analysis*. I have published articles on issues of election law in the *Harvard Law Review, Texas Law Review, Columbia*

Law Review, New York University Annual Survey of Law, and the *Election Law Journal*, for which I am a member of the editorial board. I have coauthored three scholarly books on electoral politics in the United States, *The End of Inequality: Baker v. Carr and the Transformation of American Politics, Going Negative: How Political Advertising Shrinks and Polarizes the Electorate*, and *The Media Game: American Politics in the Media Age*. I am coauthor with Ted Lowi, Ben Ginsberg, and Ken Shepsle of *American Government: Power and Purpose*. My curriculum vita with publications list is attached to this report.

4. I have been hired by the Harris Plaintiffs in this case. I have been asked to assess whether race is a predominant factor in the configuration of Congressional District 1 (CD 1) and Congressional District 12 (CD 12) in the North Carolina Congressional District Map. I am retained for a rate of $400 per hour, which is my standard consulting rate.

II. Sources

5. I relied on data and tables available through the North Carolina General Assembly website: http://www.ncleg.net/representation/redistricting.aspx.

III. Findings

6. This report examines the geographic characteristics and racial composition of CD 1 and CD 12 in the Congressional District map passed by the North Carolina General Assembly in 2011, referred to as the Rucho-Lewis Map, and in the Congressional District map passed by the North Carolina General Assembly in 2001, referred to as the 2001-2011 Map.

7. I conclude that CDs 1 and 12 are substantially less compact under the Rucho-Lewis map than under the 2001-2011 Map, and the version of these districts in the Rucho-Lewis map crosses a large number of county, city, and town boundaries. The shift in district boundaries from the previous decade's map to the current decade's map had the effect of increasing the percentage Black population, Black voting age population, and Black registration in CDs 1 and 12. Examination of registration patterns in the counties surrounding the districts and in the VTDs moved into and out of the districts reveals that race was the predominant factor in configuring these districts, and party played only a small part.

A. Geographic Characteristics

8. The Rucho-Lewis map reduced substantially the compactness of CDs 1 and 12. These districts' boundaries also affect the compactness of neighboring districts, and the boundaries of these districts cut a large number of county and municipal boundaries.

9. Table 1 presents two different compactness measures for the districts in the 2001-2011 Map and the Rucho-Lewis Map. One indicator is the Reock score. This is a commonly used measure of compactness that is calculated as the ratio of the area of a district to the area of the smallest inscribing circle of a district.[1] A second compactness measure is the ratio of the area of district to the perimeter of the district. This measure indicates districts that have particularly complicated boundaries. Consider two

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[1] The circle is the most compact geometric shape. As a reference consider a district that is a perfect square. Its Reock Score would be the ratio of the area of a square to the area of its inscribing circle, or .637.

districts: a circle and a circular shape whose boundary is not smooth but jogs in and out around the arc of a circle. These might have similar Reock scores, but, because of its intricate boundary, the second district would have a much lower ratio of area to perimeter. Hence, the ratio of Area to Perimeter provides a different indication of non-compactness in the shape of a district.

Table 1. Measures of Compactness of Districts, 2001-2011 Map and Rucho-Lewis Map

	Compactness Measure			
	Reock: Ratio of Area of District to Smallest Inscribing Circle		Ratio of Area to Perimeter of District	
District	2001-2011	Rucho-Lewis	2001-2011	Rucho-Lewis
1	.390	.294	11098	6896
2	.303	.426	7644	8579
3	.409	.368	11727	16067
4	.480	.173	7795	3265
5	.399	.397	14434	10853
6	.377	.241	7237	9763
7	.614	.408	16437	13097
8	.341	.353	12022	14651
9	.339	.169	4986	3969
10	.410	.340	11233	11146
11	.344	.264	17748	17551
12	.116	.071	2404	1839
13	.237	.382	6217	5377

10. CD 1 is noticeably less compact in the Rucho-Lewis Map, by either measure, than is the version of this district in the 2001-2011 Map.

11. Neighboring CDs 4 and 7 are also less compact in the Rucho-Lewis Map. Both CD 4 and CD 7 have much lower Reock scores and much lower ratios of area to perimeter than the versions of these CDs in the 2001-2011 Map. Other neighboring CDs (3, 13, and 6) showed little change in the compactness measures from the 2001-2011 Map to the Rucho-Lewis Map.

12. CD 1 in the 2001-2011 Map split 9 counties. These are: Granville, Vance, Wilson, Wayne, Lenoir, Jones, Craven, Pitt, and Beaufort counties.

13. CD 1 in the Rucho-Lews Map splits 18 counties. The Rucho-Lewis map splits 8 of the 9 counties that were split in the previous version of the CD; CD 1 no longer contains any part of Jones County. However, the Rucho-Lewis version of CD 1 crosses the boundaries of 10 other counties. These are: Durham County, Franklin County, Nash County, Edgecombe County, Martin County, Washington County, Gates County, Chowan County, Perquimans County, and Pasquotank County. Of these, the following counties were whole in the 2001-2011 Map (with previous CD in parentheses): Chowan County (CD 1), Durham County (CD 4), Edgecombe County (CD 1), Franklin County (CD 2), Gates County (CD 1), Martin County (CD 1), Pasquotank (CD 1), Perquimans (CD 1), and Washington County (CD 1).

14. CD 1 splits 22 cities or towns. Specifically, it splits Butner (Granville County) into CDs 1 and 13; Dortches (Nash) into 1 and 13; Durham (Durham) into 1, 4, 6, and 13; Edenton (Chowan) into 1 and 3; Elizabeth City (Pasquotank) into 1 and 3; Goldsboro (Wayne) into 1 and 13; Greenville (Pitt) into 1 and 3; Grimesland (Pitt) into 1 and 3; Hertford (Perquimans) into 1 and 3; Kingston (Lenoir) into 1 and 7; Mount Olive (Wayne) into 1 and 13; New Bern (Craven) into 1 and 3; Plymouth (Washington) into 1 and 3; Red Oak (Nash) into 1 and 13; Rocky Mount (Edgecombe) into 1 and 13; Rocky Mount (Nash) into 1 and 13; Snow Hill (Greene) into 1 and 3; Tarboro (Edgecombe) into 1 and 13; Walstonburg (Greene) into 1 and 3; Washington (Beaufort) into 1 and 3; Wilson (Wilson) into 1 and 13; and Winterville (Pitt) into 1 and 3.

15. CD 12 is highly non-compact. It is the least compact district in the map, by either measure. The Rucho-Lewis map makes it much less compact, reducing the Reock from .116 to .071. This is an extremely low Reock score. The typical district in the state has a Reock score of .377 (median score), making CD 12 five times less compact than the typical district in the state. Moreover, the lack of compactness is not due to geographic or cartographic features such as shoreline or state boundaries.

16. The reconfiguration of CD 12 also reduced the compactness of CD 9. The compactness of the other surrounding districts (2, 5, 6, and 8) is not altered much.

17. CD 12 splits 13 cities or towns. These are Charlotte (Mecklenburg) into 8, 9, and 12; Concord (Cabarrus) into 8 and 12; East Spencer (Rowan) into 8 and 12; Greensboro (Gulford) into 6 and 12; High Point (Davidson, Forsyth, Guilford, and Randolph) into 2, 5, 6, and 12; Jamestown (Guilford) into 6 and 12; Kannapolis (Cabarrus) into 8 and 12; Landis (Rowan) into 8 and 12; Lexington (Davidson) into 8 and 12; Salisbury (Rowan) into 5, 8 and 12; Thomasville (Davidson) into 8 and 12; Wallburg (Davidson) into 5 and 12; and Winston-Salem (Forsyth) into 5 and 12.

B. Racial Composition of Districts

18. There were no majority Black Congressional Districts under the 2001-2011 Map at the time of the 2010 United States Census. According to data provided on the website of the North Carolina General Assembly, 48.6% of the Voting Age Population (VAP) was Black in CD 1, and 43.8% of the VAP was Black in CD 12. Of Registered Voters, 50.7% were Black in

CD 1 and 48.6% were Black under the 2001-2011 Map in 2010.[2]

19. There are two majority Black Congressional Districts in the Rucho-Lewis Map. In CD 1, 52.7% of the VAP is Black, and 54.5% of Registered Voters are Black. In CD 12, 50.7% of the VAP is Black, and 57.0% of Registered Voters are Black. Table 2 presents the Racial Composition of the Population, Voting Age Population, and Registered Voters in each Congressional District in the Rucho-Lewis Map.

Table 2. Racial Composition of Districts in the Rucho-Lewis Map

	Population		Voting Age Population		Registration	
District	% White*	% Black**	% White	% Black	Percent White	% Black
1	35.2	54.4	40.5	52.7	40.8	54.5
2	66.8	17.6	74.0	16.5	76.5	17.0
3	71.4	18.2	76.4	18.4	76.7	19.4
4	48.6	31.4	56.6	31.7	57.6	33.1
5	76.4	12.0	81.9	12.2	84.8	12.0
6	76.0	14.6	80.1	14.8	82.2	14.4
7	69.4	17.2	74.8	17.4	78.2	17.5
8	63.3	18.2	69.3	18.3	72.2	19.1
9	74.3	13.2	80.0	12.4	82.5	11.4
10	79.7	11.1	84.4	11.2	85.6	11.1
11	87.7	3.2	91.5	3.2	94.2	2.6
12	29.1	50.2	36.8	50.7	35.7	57.0
13	70.9	16.8	76.1	17.0	78.6	16.4

*Single Race White, Non-Hispanic

**Any Part Black, Not Native American

C. Race as a Factor in the Composition of the Districts

20. This section presents two types of analyses to gauge the importance of race in the construction of CDs 1 and 12 in the Rucho-Lewis Map. The first type

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[2] Figures come from tables at the NC General Assembly Redistricting website, under the tag Archived files, Congress Zero Deviation Plan, 2011 data: http://www.ncleg.net/representation/Content/Plans/PlanPage DB 2011.asp?Plan =Congress ZeroDeviation&Body=Congress

of analysis examines the envelope of counties in which a given CD is situated; that is, the set of counties that are partly or wholly in the CD. These counties are the approximate region or area in which each CD is drawn, and they contain the population from which each CD could be drawn without crossing county boundaries or completely reconfiguring the CD. Taking this as a potential population for a district, the analysis then computes the likelihood that a Registered Voter of a given race from this population was included in the given CD. If the lines were drawn without respect to race, one would expect that White and Black Registered Voters would have approximately the same likelihood of inclusion in a given CD.

21. The second type of analysis examines all Voting Tabulation Districts (VTDs) that were in a given CD (1 or 12) in either the 2001-2011 Map or the Rucho-Lewis Map. The analysis examines the composition of the VTDs that remained in the CD across two cycles of districting (called the CORE of the district), the VTDs moved OUT of a District, and the VTDs moved INTO a district. If changes in district lines are unrelated to race, we expect the composition of the VTDs moved INTO a district to be similar to the composition of the VTDs moved OUT of a district, on average.

C.1. CD 1

22. Analysis of the population in the Envelope of CD 1 - the first type of analysis described above - shows that registered Black voters were twice as likely to be in CD 1 as were registered White Voters, even though Whites comprise nearly 60% of the Registered Voters in the area.

23. CD 1 is contained as part or whole of the following counties: Beaufort, Bertie, Chowan, Craven, Durham, Edgecombe, Franklin, Gates, Granville, Greene, Halifax, Hertford, Lenoir, Martin, Nash, Northampton, Pasquotank, Perquimans, Pitt, Vance, Warren, Washington, Wayne, and Wilson. I call these counties the Envelope of CD 1.

24. Table 3 presents the total number of Registered Voters, the number of White Registered Voters and the number of Black Registered Voters in the envelope of CD 1 and in CD 1 itself. The envelope of CD 1 has 926,105 Registered Voters. Of these 532,188 (57.5%) are White, and 354,151 (38.2%) are Black. CD 1 itself has 465,154 Registered Voters, which is 50.2% of the Registered Voters in the envelope of the district. That is, CD 1 contains roughly half of the Registered Voters in the counties in which it is situated.

Table 3. Race and the Composition of CDs 1 and 12 in the Rucho-Lewis Map

Number and Percent of a Registered Voters of a Given Race who are in CD 1 or CD 12
Analysis of the Envelope of Counties Containing CD 1 or 12

AREA	Group	Registered Voters of Group In Envelope	Registered Voters of Group in CD 1	% of Group That is in CD 1
CD 1	Total	926,105	465,154	50.2%
	White	532,188	190,011	35.7%
	Black	354,151	253,661	71.6%

AREA	Group	Registered Voters In Envelope	Registered Voters of Group in CD 12	% of Group That is in CD 12
CD 12	Total	1,473,318	445,685	30.3%
	White	993,642	158,959	16.0%
	Black	396,078	254,119	64.2%

25. Of the 532,188 registered Whites in the Envelope of counties of CD 1, 190,011 (35.7%) are in CD 1 in the Rucho-Lewis Map. That figure is significantly lower than 57.5% white for the envelope of CD 1 as a whole.

26. Of the 354,151 registered Blacks in the envelope of counties of CD 1, 253,661 (71.6%) are in CD 1 in the Rucho-Lewis Map. That is, Black Registered Voters in the envelope of counties in which CD 1 is situated are twice as likely to be incorporated in CD 1 as White Registered Voters in the same area.

27. Analysis of VTDs in CD 1 - the second type of analysis discussed above - shows that in the construction of CD 1 in the Rucho-Lewis Map, Blacks were a higher percentage of Registered Voters in VTDs moved into the district than in VTDs moved out of the district. The construction of the district also treated as the core of the district VTDs with relatively high concentrations of Black Registered Voters.

28. Table 4 presents the percent Black and percent White of Registered Voters in the VTDs in the Core of CD 1 (i.e., in the 2001-2011 Map and the Rucho-Lewis Map), in the VTDs moved INTO CD 1 (i.e., in the Rucho-Lewis Map but not in the 2001-2011 Map), and in the VTDs move OUT of CD 1 (i.e., in the 2001-2011 Map but not in the Rucho-Lewis Map).

Table 4: Analysis of the Racial Composition of VTDs In the Core of, Moved Into, and Moved Out of CD 1 and CD 12

	Racial Registration	
CD 1	Percent Black	Percent White
Core	56.4	37.4
Into District	48.1	37.7
Out of District	27.4	66.7
CD 12		
Core	54.0	31.9
Into District	44.0	37.1
Out of District	23.2	64.0

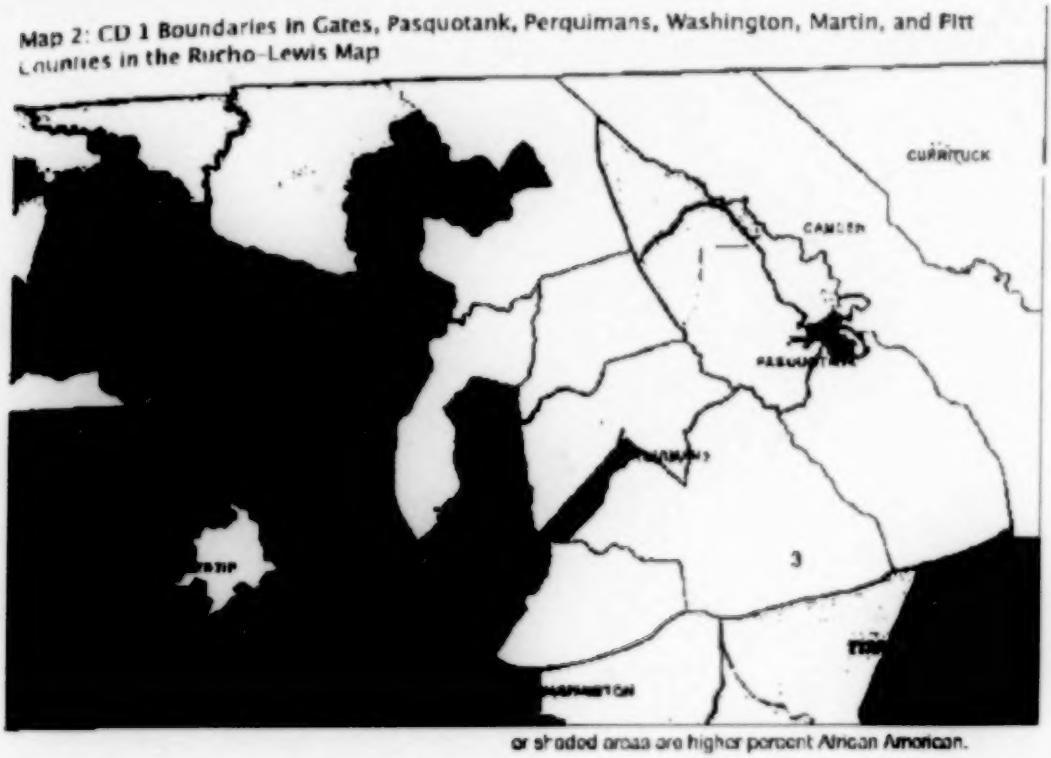
29. The VTDs kept in CD 1 (the Core) are 56.4% Black registration and 37.4% White registration. The VTDs moved out of CD 1 are 27.4% Black registration

and 66.7% White registration. The VTDs moved into CD 1 are 48.1% Black registration and 37.7% White registration. The net difference in% Black registration between VTDs moved into CD 1 and VTDs moved out of CD 1 is 20.7%. Similar patterns hold if population or voting age population is the metric of racial composition of the electorate.

30. Maps 1 and 2 provide an example of changes in the boundary of CD 1. Map 1 shows the northeastern portion of CD 1 under the 2001-2011 Map. District boundaries are shown in green; the black lines are the county boundaries. VTDs are shown as shaded polygons, and the darker shading along the gray scale corresponds to higher percent Black among Registered Voters. As shown in the map the boundary of CD 1 follows the boundaries of Gates, Pasquotank, Perquimans, Washington, Martin, and Pitt Counties, and Chowan is in the interior of the district.

Map 1. CD 1 Boundaries in Gates, Pasquotank, Perquimans, Washington, Martin, and Pitt Counties under the 2001-2011 Map

Map 2. CD 1 Boundaries in Gates, Pasquotank, Perquimans, Washington, Martin, and Pitt Counties under the Rucho-Lewis Map



31. Map 2 provides a close-up picture of the same area under the Rucho-Lewis plan. CD 3 crosses all of these county borders and encroaches into the area once covered by CD 1. Within each county, the boundary takes VTDs with lower black populations and puts them in CD 3 and leaves VTDs with higher black populations in CD 1. In Gates County, for example, there are 6 VTDs. The county is split in the Rucho-Lewis map in a way that leaves the two VTDs with the highest percent Black in CD 1. CD 3 now reaches into Chowan County (which was previously in the interior of CD 1), and grabs the three VTDs with the highest White percent, leaving the three VTD with the highest Black percent. The same pattern occurs in Perquimans, Pasquotank, Washington, and Martin counties, as shown in the map. The protrusion of CD 1

that cuts Chowan, Perquimans, and Pasquotank counties divides Elizabeth City, keeping the Black population in the central city in CD 1.

32. The cumulative consequence of such changes, as borne out in the statistical analysis, was to increase the concentration of Black Registered Voters in CD 1. Areas with high concentrations of Blacks were kept in CD 1. Areas with low concentrations of Blacks were removed, and they were replaced with areas that have substantially higher percentages of Black Registered Voters.

C.2. CD 12

33. Analysis of the population in the Envelope of CD 12 shows that registered Black voters were four times as likely to be in CD 12 as were registered White voters.

34. CD 12 is contained as part or whole of the following counties: Cabarrus, Davidson, Forsyth, Guilford, Mecklenburg, and Rowan. These counties comprise the Envelope of CD 12. Table 3 (above) presents the total number of Registered Voters, the number of White Registered Voters and the number of Black Registered Voters in the envelope of CD 12 and in the district itself. The Envelope of CD 12 has 1,473,318 Registered Voters. Of these, 993,642 (67.4%) are White, and 396,078 (26.9%) are Black. CD 12 contains 445,685 Registered Voters, which is 30.3% of the Registered Voters in the envelope of the district. That is, CD 12 contains roughly a third of the Registered Voters in the counties in which it is situated.

35. Of the 993,642 registered Whites in the Envelope of counties of CD 12, 158,959 (16.0%) are in CD 12 in the Rucho-Lewis Map. That figure is

significantly lower than 67.4% White of the counties comprising the envelope of CD 12.

36. Of the 396,078 registered Blacks in the Envelope of CD 12, 254,199 (64.2%) are in CD 12 in the Rucho-Lewis Map. That is, Black Registered Voters in the envelope of counties in which CD 12 is situated are four times as likely to be incorporated in CD 12 as White Registered Voters in the same area.

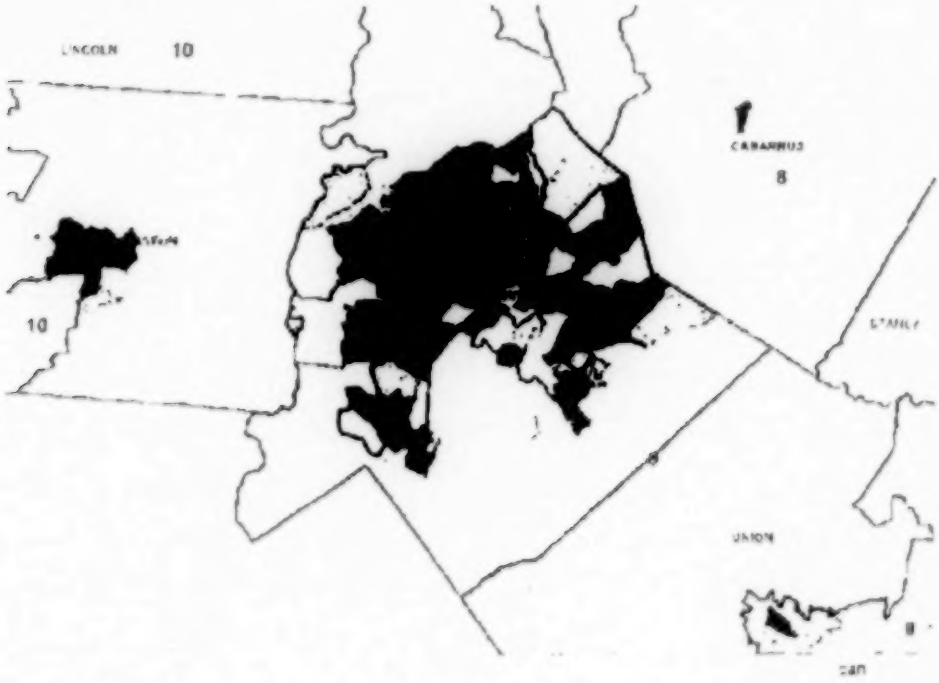
37. Analysis of Voting Tabulation Districts shows a pattern similar to that in CD 1. Table 4, again, presents the relevant figures for CD 12.

38. The VTDs kept in CD 12 (the Core) are 54.0% Black registration and 31.9% White registration. The VTDs moved out of CD 12 are 23.2% Black registration and 64.0% White registration. The VTDs moved into CD 12 are 44.0% Black registration and 37.1% White registration. The net difference in% Black registration between VTDs moved into CD 12 and VTDs moved out of CD 12 is 20.9% (44.0 minus 23.2). Similar patterns hold if population or voting age population is the metric of racial composition of the electorate.

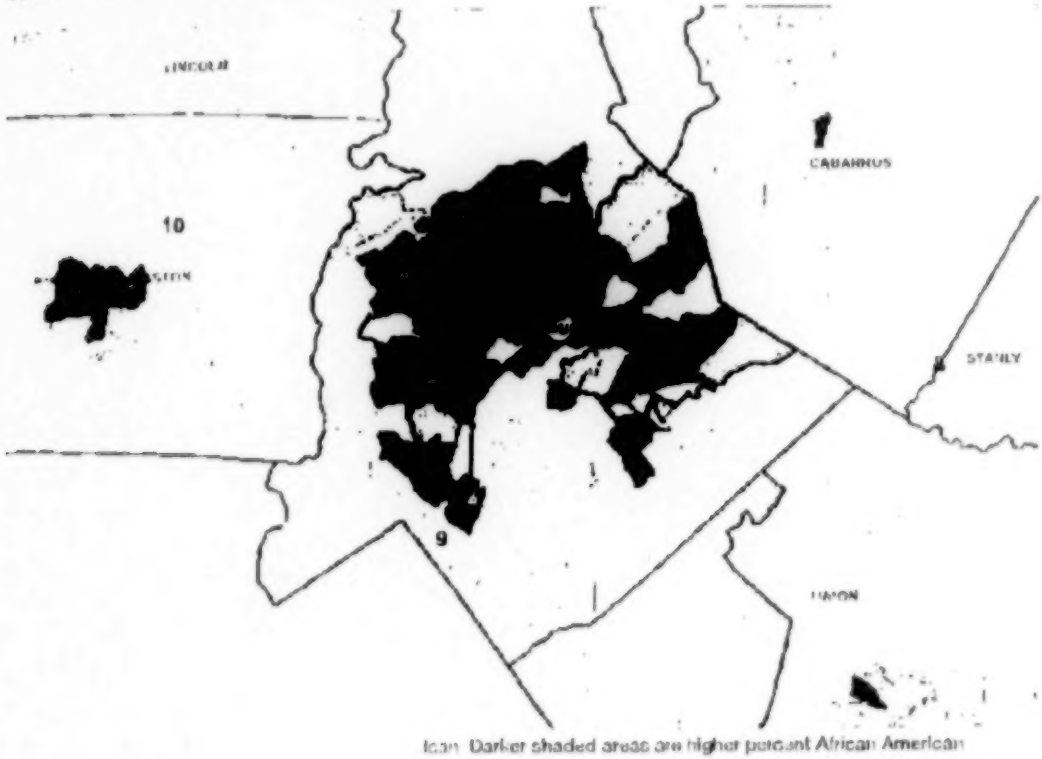
39. Maps 3 and 4, 5 and 6, and 7 and 8 provide examples of the way VTDs are shifted between the 2001-2011 Map and the Rucho-Lewis Map in CD 12. Maps 3 and 4 present the changes in District lines in Mecklenburg County; Maps 5 and 6 show Forsyth County, and Maps 7 and 8 show the changes in Guilford County. In all three counties VTDs with relatively high White populations were drawn out of CD 12. CD 9, for instance, wraps further around CD 12 to capture VTDs with relatively high White population in the Southern section of Charlotte. In Forsyth County, the footprint of CD 12 is shrunk from the 2001-2011 Map, leaving in the district the VTDs

with the highest percentage Black registration. In Guilford County, CD 12 now incorporates VTDs that were previously in CD 12 and had relatively high Black percentages. These VTDs are on the north and eastern parts of the Greensboro area. Relatively White areas in the western part of Greensboro are taken out of the old version of CD 12 and put into new CD 6.

Map 3. CD 12 Boundaries in Mecklenburg County in the 2001-2011 Map



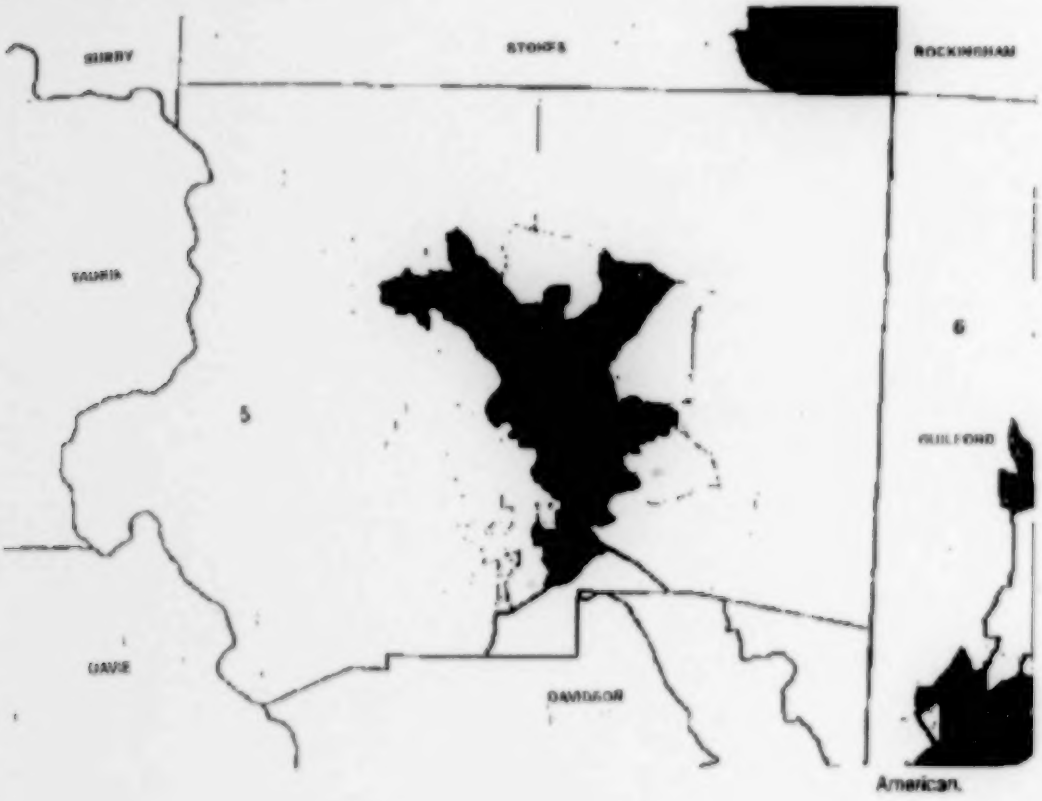
Map 4. CD 12 Boundaries in Mecklenburg County in the Rucho-Lewis Map



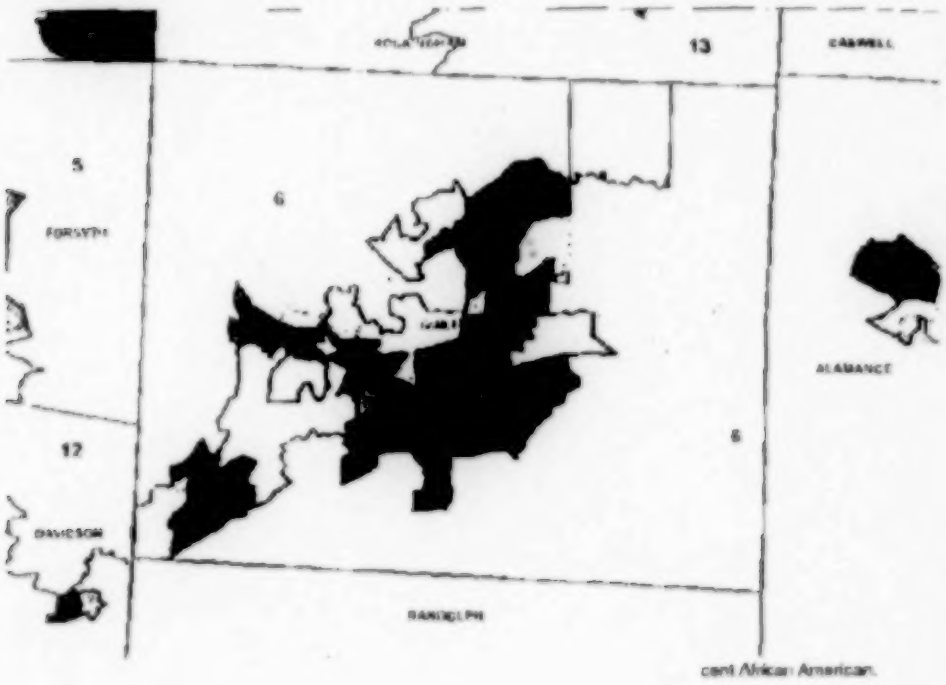
Icon: Darker shaded areas are higher percent African American

Map 5. CD 12 Boundaries in Forsythe County in the 2001-2011 Map

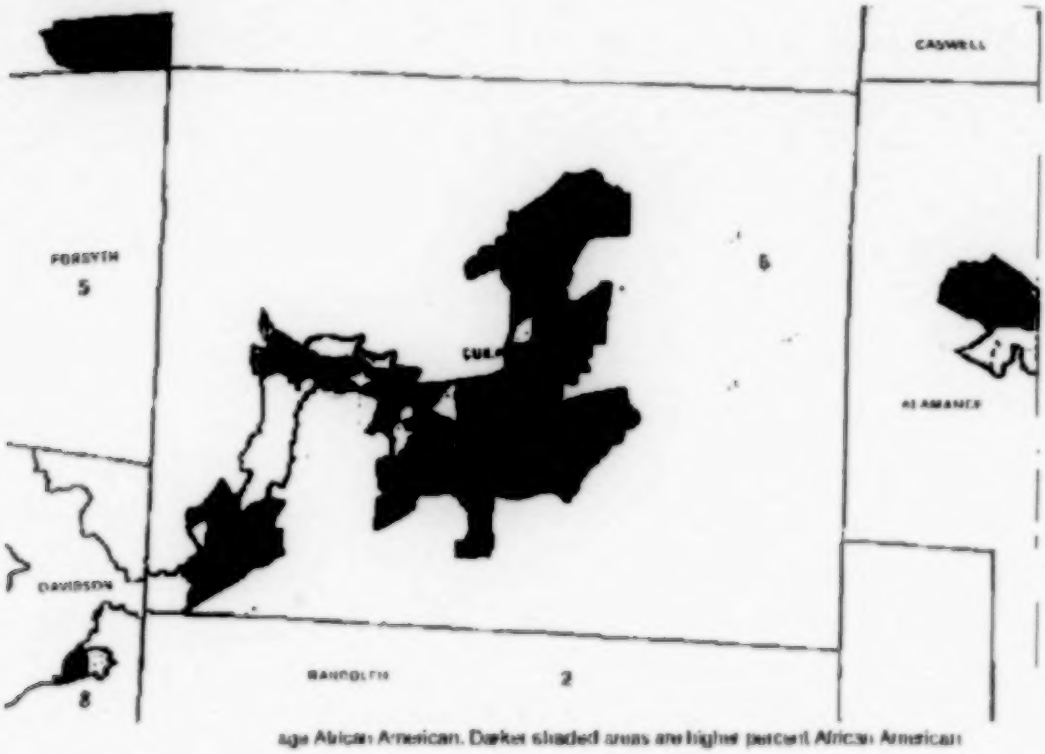
Map 6. CD 12 Boundaries in Forsythe County in the Rucho-Lewis Map



Map 7: CD 12 Boundaries in Guilford County in the 2001-2011 Map



Map 8: CD 12 Boundaries in Guilford County in the Rucho-Lewis Map



D. Race and Party

40. One possible explanation is that CDs 1 and 12 were drawn for partisan reasons, and that race was not the dominant factor. Registration data make it possible to examine whether race or party was a dominant factor in composing CD 1 or CD 12. Specifically, within each category of partisan registration (Republican, Democrat, and Undeclared), it is possible to calculate the percent of people who identify as Black or White. With that information, it is possible to calculate the percent of Blacks and of Whites within each partisan group who are included in CD 1 or in CD 12, similar to the two analyses performed above. Likewise, it is possible to calculate the percent of Republicans, Democrats and Undeclared within each racial group who are included

in CD 1 or CD 12. If race is not a predominant factor then the percent of Whites and Blacks included in a district should be similar within each partisan group, and within each racial group a high percentage of Registered Voters included in CDs 1 and 12 should be Democrats.

D.1. Analysis of the Envelope of Counties Containing CD 1 or CD 12

41. Within each partisan category, Blacks are disproportionately more likely than Whites to be included in CD 1 or CD 12. Table 5 presents the percentages of Blacks and Whites in the Envelope of counties containing CD 1 that are included in CD 1 for each of the three party registration categories. Consider the first two rows, corresponding Democrats. Under the Rucho-Lewis Map, 72.1% of Black Democrats are included in CD 1, compared with 41.5% of White Democrats - a 30.6 point difference. Among Republicans, a similarly large racial gap exists. Under the Rucho-Lewis Map, 69.2% of Black Republicans are included in CD 1, compared with 29.9% of White Republicans. And, 68.2% of Black Undeclared Registered Voters are in CD 1, compared with 34.7% of White Undeclared Registered Voters.

Table 5 Race and Party in the Rucho-Lewis Map

Number and Percent of Registered Voters of a Given Race and Party who are in CD 1
Analysis of the Envelope of Counties Containing CD 1

Party of Registration	Group	Registered Voters of Group In Envelope	Registered Voters of Group That is in CD 1	% of Group That is in CD 1
Democrat	White	212,500	88,173	41.5%
	Black	312,190	224,950	72.1%
Republican	White	192,278	57,553	29.9%
	Black	9,373	6,486	69.2%
Undeclared	White	126,562	43,962	34.7%
	Black	32,464	22,136	68.2%

42. These figures represent a significant increase in the likelihood that a Black voter is included in CD 1 within each partisan group from the 2001-2011 Map. Table 6 presents a similar analysis to Table 5, but for the past decade's districts. Under the 2001-2011 Map, 58.3% of Black Democrats in the Envelope of the district were included in CD 1 compared with 39.6% of White Democrats - a gap of 18.7 points (versus 30.6 points under Rucho-Lewis). Under the 2001-2011 Map, 60.5% of Black Republicans were in CD 1, as opposed to 31.0% of White Republicans. And, 51.4% of Black Undeclared Registered Voters were in CD 1, compared with 33.2% of White Undeclared Registered Voters.

Table 6. Race and Party in the 2001-2011 Map

Number and Percent of Registered Voters of a Given Race and Party who are in CD 1
Analysis of the Envelope of Counties Containing CD 1

Party of Registration	Group	Registered Voters of Group in Envelope	Registered Voters of Group in CD 1	% of Group That is in CD 1
Democrat	White	212,500	84,064	39.6%
	Black	312,190	182,111	58.3%
Republican	White	192,278	59,531	31.0%
	Black	9,373	5,674	60.5%
Undeclared	White	126,562	41,965	33.2%
	Black	32,464	16,692	51.4%

43. Within all three party categories, the percent of Blacks in the Envelope who were included in CD 1 increased substantially. The percent of Whites in the Envelope included in CD 1 decreased slightly within each of the Party categories.

44. A similar pattern holds for CD 12. Table 7 presents the percentages of registered Black and White voters within each party category who were included in CD 12 under the Rucho-Lewis Map. In this map, 65.0% of Black Democrats, 59.9% of Black Republicans, and 59.7% of Black Undeclared Registered Voters in the Envelope of counties around CD 12 are in fact in that district. By comparison, 18.3% of White Democrats, 13.8% of White

Republicans, and 17.4% White Undeclared Registered Voters are in CD 12. Within each of the three party groups there is a very large difference in the likelihood that a Black Registered Voter is included in CD 12 and the likelihood that a White Registered Voter is included in CD 12.

Table 7. Race and Party in the Rucho-Lewis Map

Number and Percent of Registered Voters of a Given Race and Party who are in CD 12
Analysis of the Envelope of Counties Containing CD 12

Party of Registration	Group	Registered Voters Of Group in Envelope	Registered Voters in CD 12	% of a given Group That is in CD 12
Democrat	White	280,915	51,367	18.3%
	Black	334,427	217,266	65.0%
Republican	White	448,914	61,740	13.8%
	Black	10,341	6,199	59.9%
Undeclared	White	262,024	45,496	17.4%
	Black	51,061	30,505	59.7%

Table 8. Race and Party in the 2001-2010 Map

Number and Percent of Registered Voters of a Given Race and Party who are in CD 12
Analysis of the Envelope of Counties Containing CD 12

Party of Registration	Group	Number Registered Voters In Envelope	Number Registered Voters in CD 12	% of a given Group That is in CD 12
Democrat	White	280,915	113,593	40.4%
	Black	334,427	191,184	57.2%
Republican	White	448,914	88,803	19.8%
	Black	10,341	5,432	52.5%
Undeclared	White	262,024	55,532	21.2%
	Black	51,061	25,733	50.4%

45. Those differences are much larger under the Rucho-Lewis Map than they were in the 2001-2011 Map. In that map, 57.2% of Black Democrats, 52.5% of Black Republicans, and 50.4% of Black Undeclared Registered Voters in the Envelope of counties around CD 12 were in fact in that district. By comparison, 40.4% of White Democrats, 19.8% of White Republicans, and 21.2% White Undeclared Registered Voters were in CD 12.

46. Table 9 summarizes the results of the analyses shown in Tables 5 to 8. Within every partisan group there are very large differences between the percent of Blacks and the percent of Whites who were included in CDs 1 and 12 from the counties that comprise the

Envelope of these districts. Also, within each partisan category the difference between the racial groups grew noticeably.

Table 9. Summary Comparison of Race and Party in the 2001-2011 and Rucho-Lewis Maps

Comparison of the Likelihood that a Registered Voter of a Given Race and Party in the Envelope of Counties Containing CDs 1 or 12 is in either CD1 or CD 12

Party	Race	CD 1		CD 12	
		2001-2011	Rucho-Lewis	2001-2011	Rucho-Lewis
Democrat	White	39.6%	41.5%	40.4%	18.3%
	Black	58.3%	72.1%	57.2%	65.0%
Republican	White	31.0%	29.9%	19.8%	13.8%
	Black	60.5%	69.2%	52.5%	59.9%
Undeclared	White	33.2%	34.7%	21.2%	17.4%
	Black	51.4%	68.2%	50.4%	59.7%

D.2. Analysis of VTDs in the Core, Moved Into, or Moved Out of CDs 1 or 12

47. Parallel to the analysis above of VTDs, it is possible to control for partisanship when calculating the racial disparities in the populations moved into and out of CDs 1 and 12. For example, among all Democrats, one may calculate the Black percent of all Registered Voters in VTDs moved into a given district, of all Registered Voters in VTDs moved out of a given district, and of all Registered Voters kept in a given district. Table 10 presents these calculations for CDs 1 and 12 for each of the partisan groups.

Table 10. Racial Composition Within Partisan Groups of Populations of VTDs Kept in (Core), Moved Into and Moved Out of CDs 1 and 12.

	Among Democrats		Among Republicans		Among Undeclared	
	%B	%W	%B	%W	%B	%W
CD 1						
Core	70.6	26.5	10.9	86.2	32.0	60.8
Into CD	66.4	28.6	7.5	88.6	26.8	57.5
Out of CD	48.6	49.4	3.6	94.1	13.0	82.1
Effects:						
Core v. Out	+22.0	-22.9	+7.3	-7.9	+19.0	-21.3
In v. Out	+17.8	-20.8	+3.9	-5.5	+13.8	-24.6
CD 12						
Core	79.5	15.3	9.6	85.7	37.0	49.3
Into CD	68.1	24.8	6.7	87.0	29.8	55.2
Out of CD	45.8	48.8	1.7	95.6	13.0	78.4
Effects:						
Core v. Out	+33.7	-33.5	+7.9	-9.9	+24.0	-29.1
In v. Out	+22.3	-24.0	+5.0	-8.6	+16.8	-23.2

48. Consider, first, CD 1. Among Democrats in VTDs that remained in CD 1, 70.6% are Black Registered Voters and 26.5% are White Registered Voters, with the remainder being other races or undetermined. Among Democrats in VTDs that were moved into CD 1, 66.4% are Black and 28.6% are White. Among Democrats in VTDs that were moved out of CD 1, 48.6% are Black and 49.4% are White. In other words, in the VTDs moved into or kept in CD 1 the Democrats were predominately Black. And in the VTDs moved out, the Democrats were plurality White. The difference in the percent Black between those in

VTDs in the Core and those in VTDs moved Out is very large - 22 percentage points, as shown in the row at the bottom of the panel for CD 1. There are similarly large differences (19 percentage points) among Undeclared Registered Voters. The differences among Republicans are about seven points.

49. CD 12 shows the same pattern. Among each of the partisan groups, the percentage Black in the Core of the district and in the VTDs moved into the district far exceeded the percentage Black in the VTDs moved out of the district. The difference in percentage Black between those kept in the district and those moved out is 34 points among Democrats, 8 points among Republicans, and 24 points among Undeclared Registered Voters.

50. Party, by comparison, has little or no effect on the likelihood of being included in CDs 1 or 12. Table 11 constructs a statistical analysis analogous to that in Table 10, but this time the comparison is of the percentages Democrat, Republican, or Undeclared within racial groups.

51. The differences in partisan composition across the Core VTDs, the VTDs moved Into, and the VTDs moved Out, are trivially small, especially compared with the racial effects in Table 10. Consider CD 1. Among Whites, 47.3% of those in the Core VTDs are Democrats, 44.6% of those in VTDs moved into the district are Democrats, and 40.9% of those in VTDs moved Out of the district are Democrats. Among Whites, then, the difference in percentage Democrat between the Core and those in VTDs moved out is only 6% (compared to a difference of 33 point in percent Black across these VTDs among Democrats).

52. Examining the other columns in Table 11, it is evident that the differences in partisanship are very small across the VTDs kept in the districts, moved into the districts, or moved out of the districts. The differences are in the single digits, and the largest observed difference is in the wrong direction. The Democratic registration rate among Blacks was higher in VTDs moved out of CD 12 than it was in VTDs kept in or moved into the district.

53. Ultimately, then, race, and not party, had a disproportionate effect on the configuration of CDs 1 and 12. Party has a small and somewhat uneven effect in explaining whether a VTD was moved into or out of CDs 1 and 12. Race, alone or controlling for party, has a very large effect in explaining whether a VTD or part of a county was included in CDs 1 or 12. Viewed in terms of the composition of the districts and the effects of race and party on the likelihood that an area was included in these districts, I conclude that race was the dominant factor in constructing CDs 1 and 12 in the Rucho-Lewis Map.

/s/ Stephen Ansolabehere

Stephen Ansolabehere
December 23, 2013
Newton, Massachusetts

REPORT OF STEPHEN ANSOLABEHERE IN RESPONSE TO THOMAS B. HOFELLER

I. Statement of Inquiry

1. I have been asked to evaluate the rebuttal report issued by Dr. Thomas B. Hofeller in this case.

II. Background and Qualifications

2. My background and qualifications are discussed in my initial report, signed December 23, 2013.

III. Sources

3. I relied on data and tables available through the North Carolina General Assembly website: http://www.ncleg.net/representation/redistricting.aspx.

IV. Findings

A. Geographic Characteristics of CDs 1 and 12

4. Dr. Hofeller states that the reduction in compactness in CDs 1 and 12 is not substantial. Specifically, he states that a reduction of the Reock score from .116 to .071 in CD 12 and from .394 to .296 in CD 1 is small compared with the difference between those districts' scores and the Reock score of the ideal square district (.637) or ideal circular district (1.00). (Paragraphs 35-38 of his report.)

5. This observation underscores the fact that CD 12 was highly non-compact in the 2001-2011 map, and the new map, rather than improving on the district's compactness, only made it worse. Dr. Hofeller concedes that "both versions of the 12t11 District have miserable scores." (Paragraph 37) A Reock score can never go above 1 or below 0. It is the ratio of the area of a given district to the area of the most compact district of the same length (i.e., the inscribing circle). The lower the Reock score the smaller the area covered

by the district relative to the most compact district of the same length. The smaller area actually covered for a given length, the less compact the district is. Or to put it another way, comparing two districts of the same area, the district that has a longer perimeter to encompass that area is less compact. Previous CD 12, the least compact district in the 2001 to 2011 map, had a very low Reock score of .116. The Reock of new CD 12 is even closer to the lower bound of 0.

6. New CD 1 has a Reock compactness score that is 37 percent lower than the Reock score of previous CD 1. That is, the new version of CD 1 reduced by 37 percent the area covered by CD 1 relative to the smallest inscribing circle around the district. New CD 12 has a Reock compactness score that is 25 percent lower than that of Previous CD 12. These are noticeable reductions in the area of these districts, relative to the ideal district of the same length (i.e., the smallest inscribing circle).

7. Dr. Hofeller does not discuss the alternative measure of compactness offered in my report, which is the ratio of the area of a district to its perimeter. See Table 1 in my original report. The Area to Perimeter measure offers a somewhat different score of compactness. Comparing two districts of the same area, the district that ha a longer perimeter to encompass that area is less compact. Or alternatively, the district that covers less area per mile of perimeter is less compact.

8. The new version of CD 1 has a ratio of Area to Perimeter of 6896, compared with 11098 in the previous version. In other words, each mile of perimeter in new CD 1 incorporates or encompasses 6,896 miles of land area. By comparison, each mile of perimeter in Previous CD 1 incorporates or

encompasses 11,098 miles of land area. That is a 38% reduction in the compactness as measured by the Area to Perimeter metric (i.e., (11098-6898)/11098). This is the second largest reduction in the ratio of area to perimeter in the map.

9. The new version of CD 12 has a ratio of Area to Perimeter of 1839, compared with 2404 in the old version. In other words, each mile of perimeter in new CD 12 incorporates or encompasses 1,839 miles of land area. By comparison, each mile of perimeter in old CD 12 incorporates or encompasses 2,404 miles of land area. That is a 24% reduction in the compactness as measured by the Area to Perimeter metric (i.e., (2404-1839)/2404). CD 12 already had, by far, the lowest ratio of Area to Perimeter, and it has the fifth largest reduction in this compactness measure in the map.

10. Dr. Hofeller points out that four other districts are highly non-compact according to the Reock measure. These are new CDs 4, 6, 9, and 11. (Paragraph 38) New CDs 4, 6, and 9 border new CDs 1 and 12 and are likely affected by the non-compact configurations of CDs 1 and 12. New CD 11 covers most of western North Carolina, and much of its shape is defined (and constrained) by the border of the state.

11. Both Reock and Area to Perimeter scores reveal that the map reduced the compactness of CDs 1 and 12 substantially, and CD 12 was already highly non-compact. Compactness is a traditional redistricting principle. Neither new CD 1 nor new CD 12 were constructed to improve their compactness.

B. Obama Vote, Black Registration, and Black VAP

12. Dr. Hoffeler states that the vote for Obama in 2008 was used as the main indicator in drawing

district boundaries. He suggests that the Obama vote in 2008 was used to achieve partisan purposes, but offers no supporting evidence that these data had primarily partisan and not racial effects. (Paragraphs 36-39, 59-64)

13. What was the effect of using the Obama 2008 vote as an indicator to draw CD 1 and CD 12 in North Carolina? It is problematic and unusual to choose a single election with a Black candidate as an indicator of partisan performance. The reason that one wants to avoid using only one election in which one of the candidates is Black candidate in order to determine the partisanship of the vote is that it is difficult to infer whether the vote for that candidate was based on race or party. The relevant question is what is the effect of one of these factors (race or party) controlling for the other on the likelihood that an individual voter was included in either CD 1 or CD 12.14. My initial report revealed that the effect of race controlling for party was substantial and much larger than the effect of party given race on the likelihood that an individual was included in CDs 1 or 12.

15. Further analysis of VTD level data reveals that the Obama vote is very highly correlated with Black Registration, and that analysis of Census data would have masked that association. Dr. Hofeller notes that the increase in TBVAP in CD 12 is nearly identical to the increase in 2008 vote for Obama (see his paragraph 63).

16. Table 1 presents the correlations between percent Black VAP or percent White VAP and percent vote for Obama in 2008. Statewide, the correlation between Black VAP and Obama vote is .60. Obama vote is correlated with Census racial data, but the correlation is not very high.

17. Table 1 also presents the correlations between percent Black Registration or percent White Registration and percent vote for Obama in 2008. Statewide, the correlation between Black VAP and Obama vote is very high, .80.

18. In this particular circumstance, then, registration data reflecting race are a stronger correlate with Obama 2008 Vote than are Census data. Specifically, Black and White percent of voting age population in Census data are more weakly correlated with Obama vote than are Black and White Percent of Registered Voters in the State of North Carolina. If one were to look only at the association between Census data and Obama vote in North Carolina, then the effect on Black registered voters of using the Obama vote as an indicator in districting would be obscured.

19. The correlations between Black (or White) Registration and the Obama vote are particularly high in CDs 1 and 12. I further divided the VTDs in the state into those VTDs that are or were in new or previous CD 1, new or previous CD 12, and all other VTDs. The correlations between Black (or White) Registration and the Obama vote are .82 (or -.87 for Whites) in CD 1 and .92 (or -.93 for Whites) in CD 12. These are extremely high correlations. In the VTDs in CD 12, the correlation between the Obama vote and Black Registration is approaching 1. The Obama vote, then, is an extremely strong positive indicator of the location of Black registered voters in the areas around CDs 1 and 12. It is extremely strong negative indicator of the location of White registered voters in the areas around CDs 1 and 12.

20. Thus, Dr. Hofeller's statement that he only used the Obama vote to draw congressional districts does

not undermine the conclusion that race predominated over party as a factor in drawing CDs 1 and 12. Whatever indicator or indicators were used by the map drawers, teh measures had the effect of making Black registered voters of each partisan group much more likely to be included in CDs 1 and 12 than White registered voters of the same partisan group. And those indicators had relatively little effect on making Democratic registered voters of each racial group more likely to be included in a district than Republican registered voters of that same racial group.

C. Methodology for assessing racial and partisan patterns

21. A central question is whether race or party was the predominant factor in explaining or predicting which voters were included in CDs 1 or 12. In order to make this determination, one wants to gauge the effect of race controlling for party and party controlling for race. Otherwise, the vote for a candidate who is, say, a Democrat and Black may be interpreted as either an indicator of Democratic vote or of Black vote.

22. The methodology that I employed addresses that question in three steps. First, I ascertained the extent to which race of the registrant predicts the likelihood of being included in CD 1 or CD 12, holding constant the party of the registrant. The effect of race given party equals the difference between the likelihood that a Black voter of a given party is included in a district and the likelihood that a White voter of that same party is included in that district. Second, I ascertained the extent to which party of the registrant predicts the likelihood of being included in CD 1 or CD 12, holding constant the race of the registrant. The effect of party given race equals the difference between the likelihood that a Democrat of a

given race is included in a district and the likelihood that a Republican of that same race is included in that district. Third, I compared the effect of race given party with the effect of party given race. I examined the relationship between race and party on the likelihood that different types of registered voters are included in CD 1 or CD 12. This approach is suggested elsewhere in the literature on racial voting, such as Gary King, A Solution to the Ecological Inference Problem: Reconstructing Individual Behavior from Aggregate Data, Princeton University Press: Princeton, NJ, 1997, pages 12-14 generally and Chapter 10, on registration specifically. Dr. Hofeller is critical of this approach (e.g., paragraphs 27, 33, and 52).

1. General Criticisms

23. Dr. Hofeller states (paragraph 27) that the analysis offered shows nothing more than that there is higher Black Voting Age Population in the areas moved into CDs 1 and 12 than then areas moved out. In fact, my analysis goes further than that, as it estimates the effect of race controlling for party and party controlling for race. The simple Census data only state whether there are more Blacks or more Whites in CD1 or CD12, not whether the increase in Black population was due to an increase in Democrats who happened to be Black or an increase in Blacks across all party groups. My analysis showed that it was the latter.

24. Dr. Hofeller suggests that a better approach would be to look at the relationship between Census demographic data and the vote for Obama in 2008. (Paragraph 55) He never states what sort of analysis exactly is to be performed or how those data could be used to separate the effects of race and party in

estimating the likelihood of inclusion in CD 1 or CD 12.

25. He offers no such analysis of the VTD-level data. He offers no assessment of the likelihood that a Black or White voter of a given party was included in CDs 1 or 12. He offers no assessment of the likelihood that a Democrat or Republican of a given race was included in CDs 1 or 12.

2. Use of Registration Data

26. Dr. Hofeller questions the use of registration data to perform this analysis, rather than election results. (paragraphs 33 and 55)

27. The unique advantage of registration data in this particular circumstance is that it allows us to measure separately the effect of party given race and the effect of race given party on the likelihood that an individual is included in CD 1 or CD 12. North Carolina is one of a handful of states that lists race and party on the voter registration lists. By counting the numbers of White and Black Democrats, White and Black Republicans, and White and Black Unaffiliated registrations we can estimate the effect of race given party and party given race. Those estimates were offered in my initial report. (See Tables 9 and 10 in that report.)

28. The individual level data allow analysis of the question at hand without resorting to ecological regression, ecological inference or other more complicated methods.[1] My original analysis estimated

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[1] See Gary King, A Solution to the Ecological Inference Problem: Reconstructing Individual Behavior from Aggregate Data, Princeton University Press: Princeton, NJ, 1997, especially Chapters 1 and 10.

the effect of race controlling for party and of party controlling for race using data on individual registered voters in the State of North Carolina and in the areas of the districts in question.

29. Dr. Hofeller offers no alternative methodology or analyses using aggregate Census and election data, such as at the level of the VTD, to address this matter.

30. Dr. Hofeller suggests, but offers no evidence, that registration is not tightly related to election results. (Hofeller, paragraph 33)

31. Registration is highly correlated with actual election results in the State of North Carolina. The correlation between Democratic share of party Registration and the Obama Vote is .78. The correlations were even higher with respect to the other statewide elections in 2008. The correlation between Democratic share of party Registration and the Democratic share of vote for Governor in 2008 is .90, and the correlation Democratic share of party Registration and the Democratic share of vote for United States Senate in 2008 is .83.[2] These correlations reveal that registration is in fact a strong predictor of electorate choice in the State of North Carolina. It is further worth noting that the Obama vote in 2008 has the weakest correlation with party registration of the three statewide elections that year, suggesting that it may have been the least useful of the three elections to use as a pure indicator of party. And, the correlation between Black registration and the Obama vote is slightly stronger (.80) than the

[2] Correlations are weighted correlations, and VTDs are weighted by the total number of presidential ballots in 2008.

correlation between Democratic registration and Obama vote (.78).

32. Party registration is itself an electoral choice in the State of North Carolina. Party registration in the State of North Carolina restricts in which party's primary a person can vote.

33. As demonstrated in Table 1, Black Registration, not Black VAP, is a much stronger correlate of the Obama vote. Given Dr. Hofeller's claim that the Obama vote is the relevant indicator, the strength of correlation of Black Registration suggests that the analysis of registration is highly informative of voting behavior, and more indicative of the electoral effects on Black voters than would be an analysis of the association of Obama vote with Black VAP. Hence, I conclude that analysis of registration data is highly relevant to understanding the effects of the new CDs 1 and 12 on Black voters. And, the analysis in my original report revealed that race controlling for party is a much stronger indicator of inclusion in those CDs than is party controlling for race.

3. Areas of Analysis

34. I offer two separate analyses of the target areas or populations for the location of CDs 1 and 12. One such analysis examines all registered voters in the counties in which the CDs are located - called the envelope of counties. The other analysis examines sets of VTDs that were in either new CD 1 or previous CD 1 (or new CD 12 or previous CD 12).

35. Dr. Hofeller questions my use of the counties in which CDs are located and states that such a choice is highly unusual. (paragraph 52)

36. Analysis of racial voting patterns at the county level and of the counties in which a district is situated is quite common in voting rights cases. The wide use of counties in performing ecological regressions informed my decision to use counties as a target area. Other expert reports in cases concerning the 2011 North Carolina redistricting, including a report filed by Defendants' expert in the state court case, also examine county-level racial voting data to assess the likely effects of the districts. See the reports of Thomas Brunell, "Report on Racially Polarized Voting in North Carolina," June 14, 2011. 11 CVS 16896, 11 CVS 16940, and Ray Block, Jr., "Polarized Voting in 2006, 2008, and 2010 in North Carolina State Legislative Contests," Case 1:13-cv-00949-WO-JEP. Filed 1/17/14.

37. Crossing of county lines is sometimes used as an indicator of respect for natural or other political geographies in the process of drawing lines. Hence, counties are sometimes treated as a relevant unit of analysis in understanding the locus of districts.

38. Other researchers have used VTDs in and neighboring a district as the target areas for the analysis of the racial effects of a districting plan. See the report of Gary King and Benjamin Schneer to the Arizona Independent Redistricting Commission; Gary King and Benjamin Schneer, "Analysis of the Arizona Independent Redistricting Commission Congressional Map" http://gking-projectslq.harvard.edu/AZ-DOWaz_report_cd.pdf.

D. District Population Growth

39. Dr. Hofeller states that, in addition to partisanship and preclearance, an important policy goal of the legislature was guarding against the underpopulation of CD 1 in the future. (Paragraph 71.)

40. Dr. Hofeller states that CD 1 was moved away from slow growing rural counties and into urban areas in order to create a district that would likely retain its population over the coming decade. He discusses the rural counties in his rebuttal report. (Paragraphs 20 and 51) However, he does not state what data or population forecasts were used for the district in 2020. He does not state the process for deciding which urban areas (especially which VTDs) to include in CD 1.

41. To assess the claim that the areas added to CD 1 were included primarily to counteract population declines, and were not racially motivated, I examined the changes to CD 1 in the City of Durham and County of Durham. CD 1 in the 2001¬2011 map did not include any part of the City or County of Durham. New CD 1 includes 159,691 persons from this county, which accounts for 21.8% of the population of the New CD 1.

42. Population growth data for the VTDs are not available in the North Carolina State Legislature's Redistricting website. Population and registration counts by race, however, are available at that website. I analyzed those data to see if the Voting Age Population and registered voters in the portions of the City and County of Durham that were included in CD 1 were disproportionately Black.

43. Table 2 presents the racial composition of the City of Durham and the County of Durham and the racial composition of the portions of these jurisdictions that were added to CD 1. Each cell presents the number of persons in that category. In the City of Durham, for example, 69,454 persons of Voting Age are Black alone, and the VTDs in the City of Durham that were included in CD 1 contain 55,265 persons who are Black alone.

44. Comparison of the percent of Blacks and percent of Whites who were included in CD 1 from the City of Durham and the County of Durham reveals that Blacks in these jurisdictions were disproportionately likely to be added to CD 1. The majority of Whites in these jurisdictions were included in other CDs.

45. Using the data in Table 2, one can calculate the percent of a given group in the City or County of Durham that was included in CD 1. For example 79.6 percent (55,265/69,454) of all people in the City of Durham who considered themselves to be Black (and no other race) were included in CD 1. Similar calculations can be made for each racial group and for Voting Age Population and Registered Voters.

46. In the City of Durham, 79.6 percent of the Black Voting Age Population was included in CD 1. 48.4 percent of the White Voting Age Population was included in CD 1.

47. In the City of Durham, 80.5 percent of Black Registered Voters were included in CD 1. 44.2 percent of White Registered Voters were included in CD 1.

48. In the County of Durham, 77.6 percent of the Black Voting Age Population was included in CD 1. 43.3 percent of the White Voting Age Population was included in CD 1.

49. In the County of Durham, 78.5 percent of Black Registered Voters were included in CD 1. 38.9 percent of White Registered Voters that were included in CD 1.

50. The boundary of CD 1 in the City and County of Durham was disproportionately more likely to incorporate Blacks than Whites. Black registered

voters in the County of Durham were twice as likely as Whites to be included in CD 1.

E. Population Equality

51. Dr. Hofeller states that equalizing population was one of the four major policy objectives of the State Legislature in the construction of new CDs 1 and 12. This is a legal requirement under the United States Constitution as interpreted by the Supreme Court of the United States.

52. In the case of CD 12, this requirement did not appear to exert much of a constraint on the extent to which the State Legislature shifted populations among districts in the process of drawing the Rucho-Lewis map.

53. Previous CD 12 needed few changes in order to equalize population. According to the 2010 Census enumeration statistics provided by the North Carolina Legislative Redistricting site, the district had only 2,847 more persons than the ideal district of 733,500. In other words, prior to redistricting, CD 12 needed to have only 2,847 people removed from the district in order to achieve the equal population objective.

54. The Rucho-Lews map, however, added 239,064 people to CD 12 and removed 241,911 people from CD 12. And, the populations added to new CD 12 were disproportionately Black compared with the areas removed from previous CD 12. Of the 239,064 people added to CD 12, 105,132 people (44%) were Black. Of the 241,911 people removed from CD 12, 56,046 people (23%) were Black. In other words, the changes in CD 12 from the 2011-2011 map to the Rucho-Lewis map increased the number of Black persons in CD 12 by 49,086 (i.e., 105,132 minus 56,046). The change in the

Black population far surpasses the changes in the district needed to maintain equal population.

Table 1. Correlation Between Obama Share of Two Party Vote and Racial Composition of VAP and Registered Voters in VTDs

	Entire State	CD 1	CD12	Districts Other than CD 1 and CD 12
Black VAP	+.60	+.47	+.65	+.46
White VAP	-.64	-.54	-.69	-.50
Black R.V.	+.80	+.82	+.92	+.69
White R.V.	-.81	-.87	-.93	-.69

Table 2. Racial Composition of Areas in City and County of Durham

City of Durham

	Voting Age Population		Registered Voters	
	All Areas	In CD 1	All Areas	In CD 1
Black Alone	69,454	55,265	62,768	50,570
White Alone	80,598	39,010	75,664	33,442
Total	176,435	111,769	152,297	92,492

County of Durham

	Voting Age Population		Registered Voters	
	All Areas	In CD 1	All Areas	In CD 1
Black Alone	75,440	58,560	69,542	54,610
White Alone	103,053	44,624	94,725	36,867
Total	207,266	121,895	179,309	100,189

/s/ Stephen Ansolabehere

Stephen Ansolabehere
January 29, 2014
Cambridge, Massachusetts

STATEMENT BY SENATOR BOB RUCHO AND REPRESENTATIVE DAVID LEWIS REGARDING THE PROPOSED 2011 CONGRESSIONAL PLAN

July 1, 2011

From the beginning, our goal has remained the same: the development of fair and legal congressional and legislative districts. Our process has included an unprecedented number of public hearings (36) scheduled before the release of any maps. These included an unprecedented number of hearings in (24) counties covered by Section 5 of the Voting Rights Act. In another unprecedented act, we provided the Legislative Black Caucus with staff support and computer technology resulting in costs to the General Assembly in excess of $60,000. We also decided to schedule twenty-five public hearings to give the public an opportunity to comment on legislative and Congressional maps. Consistent with the guidance provided by the North Carolina Supreme Court in *Stephenson v Bartlett* 355 N.C. 354 (2002), our first public hearing was focused on our proposed VRA legislative districts. Our second public hearing, scheduled for July 7, 2011, will give the public an opportunity to comment on our proposed Congressional plan. Finally, our third public hearing, scheduled for July 18, 2011 will solicit feedback on our proposed legislative plans.

Today we are pleased to release our proposed 2011 Congressional Plan. We believe that our proposed Congressional plan fully complies with applicable federal and state law. We also believe that a majority of North Carolinians will agree that our proposed plan will establish Congressional districts that are fair to North Carolina voters.

Unlike state legislative districts, there are very few constitutional criteria that apply to legislative districts. Some of the factors we considered include the following:

1. Use of current Congressional plan as a frame of reference.

The current Congressional plan could not be retained for several reasons. However, we used the current plan as a frame of reference for re-drawing new congressional districts. Thus, our proposed plan and the current Congressional plan (2001: Congress Zero Deviation) are similar in some respects.

2. Compliance with "one person one vote."

Based upon several decisions by the United States Supreme Court, Congressional districts must be drawn at equal population. See *Westherry v Sanders*, 376 U.S. 1 (1964); *Karcher v Daggett*, 466 U.S. 910 (1984). The ideal population for a North Carolina Congressional district under the 2010 census is 733,499 Our proposed districts meet this constitutional requirement.

Re-drawing districts with equal population necessitated significant changes in the boundary lines of the current districts. Revisions were required because six of the current Congressional districts are significantly under-populated below the ideal number. (Districts 1, 5, 6, 8, 10, and 11). In contrast, seven districts are over-populated above the ideal number (2, 3, 4, 7, 9, 12, and 13). The population shift between our thirteen districts is largely the result of more rapid growth in the Mecklenburg/Piedmont and Research Triangle areas of the state as compared to more rural areas located in eastern and western North Carolina.

3. Compliance with the Voting Rights Act.

Our proposed plan, if adopted by the General Assembly, will need to be "precleared" under Section 5 of the Voting Rights Act. States have the option of seeking administrative preclearance by the United States Department of Justice or by filing a lawsuit seeking preclearance by the United States District Court of the District of Columbia. To obtain preclearance, we are obligated to show that the plan is not retrogressive or purposefully discriminatory. We believe that our plan accomplishes this goal.

(a) Districts Represented by Black Incumbents

Voters in the First and Twelfth Congressional Districts are represented by two African American members of Congress, Congressman G.K. Butterfield and Congressman Mel Watt. As part of our investigation into fair and legal congressional districts, we sought advice from Congressman Butterfield and Congressman Watt. We believed that we could benefit from hearing their views on how their districts should be re-drawn in light of population movement.

The State's First Congressional District was originally drawn in 1992 as a majority black district. It was established by the State to comply with Section 2 of the Voting Rights Act. Under the decision by the United States Supreme Court in *Strickland v. Bartlett*, 129 U.S. 1231 (2009), the State is now obligated to draw majority black districts with true majority black voting age population. Under the 2010 Census, the current version of the First District does not contain a majority black voting age population.

In addition, the current First District is substantially under-populated by over 97,500 people.

Thus, in order to comply with "one person one vote," over 97,500 people must be added to create a new First District.

We met with Congressman Butterfield to discuss these issues. Congressman Butterfield acknowledged that the legal deficiencies of the existing First District could be addressed through the addition of either the minority community located in Wake County or the minority community residing in Durham County. Congressman Butterfield believed that including Wake County in his district would give him the opportunity to represent the communities reflected by Shaw University and St. Augustine College. Between these two options, Congressman Butterfield advised us that he preferred the addition to his district of the minority population in Wake County, as opposed to the minority population in Durham County.

We elected to accommodate Congressman Butterfield's preference. By adding population from Wake County, we have brought the First District into compliance with "one person, one vote." Because African Americans represent a high percentage of the population added to the First District from Wake County, we have also been able to re-establish Congressman Butterfield's district as a true majority black district under the *Strickland* case.

In light of the population growth experienced by urban counties and the slower growth experienced by rural population, drawing Congressman Butterfield's district into Wake County accomplished another important goal. It is less likely that the First District will become substantially under-populated during this decade and it is more likely that the First District can be retained in our proposed configuration at the time of the 2020 Census. This will provide stability for the

minority community that has not been achieved by prior versions of this district.

Finally, we note that the United States Supreme Court has previously found Section 2 liability in Wake County in a case involving legislative districts. *See Thornhurg v Gingles*, 478 U. S. 30 (1986). Thus, with this adjustment to the First District, for the first time in history the black community in Wake County will have the opportunity to be part of a majority black Congressional district.

After we had adopted Congressman Butterfield's preference, and showed a map of our proposal to him, he expressed concern about the withdrawal of his district from Craven and Wayne Counties. Given our decision to add the minority community in Wake County to our proposed First District, the retention of populations in Wayne and Craven would result in the over-population of the First District. We believe that the benefits of adding the black community in Wake County outweighs any negative impacts. Moreover, by replacing these counties with the community in Wake County, we were also able to create a district that was based upon a more compact minority population.

Current District 12, represented by Congressman Watt, is not a Section 2 majority black district. Instead, it was created with the intention of making it a very strong Democratic District. *See Easley v Cromartie* 121 S.Ct. 1452 (2000). However, there is one county in the Twelfth District that is covered by Section 5 of the Voting Rights Act (Guilford)

As with Congressman Butterfield, we sought input from Congressman Watt regarding potential options for revising the Twelfth Congressional district. We have accommodated Congressman Watt's preference

by agreeing to model the new Twelfth District after the current Twelfth District

Following the framework of the district created by the 2001 General Assembly, to the extent practicable and possible, we have again based the Twelfth Congressional District on whole precincts.

Because of the presence of Guilford County in the Twelfth District, we have drawn our proposed Twelfth District at a black voting age level that is above the percentage of black voting age population found in the current Twelfth District. We believe that this measure will ensure preclearance of the plan.

Finally, we have re-drawn the Twelfth District to reduce some population because 2010 census figures show that it is currently over-populated.

(b) Minority populations in other districts

No district in the 2001 Congressional plan contains a black voting age population in excess of 28.75% except for the First and Twelfth Districts. Our proposed Fourth Congressional District establishes one district with a black voting age population of 29.12%. Our proposed Third Congressional District contains a black voting age population of 23.50%. Our proposed District 8 has a black voting age population of 19.88% and a Native American voting age population of 7.12%. All other proposed districts have been created with a black voting age population of under 18%.

We believe that our proposed plan fully complies with both Section 5 and Section 2 of the Voting Rights Act.

4. Point Contiguity.

In past Congressional plans, prior legislative leadership elected to make a few congressional districts contiguous by a mathematical point. We believe that this past practice is arbitrary and irrational. It is also inconsistent with the standards for contiguity established by the North Carolina Supreme Court for legislative districts. Stephenson v Bartlett, 357 N.C. 301 (2003). We have elected to reject this criterion for congressional districts. All of our congressional districts are contiguous in a real and meaningful manner.

5. Incumbents.

We decided to avoid placing incumbents in the same district. All incumbents in our proposed plan are located in a district in which they face no opposition from another sitting member of Congress.

6. Communities of Interest.

Communities of interest are political considerations which will always create some interests that will be recognized and others that will not. The elected representatives are best equipped to determine this balance.

Because all of our districts are largely based in the same areas of the state in which they are located under the 2001 congressional plan, our districts reflect the same communities of regional interests recognized by the 2001 plan.

New District 4 is substantially based upon the current version of District 4. We decided to expand the district from Chatham County through Lee and Harnett County and into Cumberland County. Lee and Harnett Counties share with Chatham County

many of the same rural and other communities of interest. Moreover, the interests of those residing within the urban areas of Cumberland County are similar to those who live in the urban areas of Orange and Durham Counties. Finally, all of the counties in our proposed District 4 are in the same media market which should help reduce the costs of campaigns in this district.

7. Whole counties and whole precincts.

Counties and precincts are two specific examples of communities of interest. Like other interests, they must be balanced. We have attempted to respect county lines and whole precincts when it was logical to do so and consistent with other relevant factors. Our plan includes 65 whole counties. Most of our precinct divisions were prompted by the creation of Congressman Butterfield's majority black First Congressional District or when precincts needed to be divided for compliance with the one person one vote requirement.

8. Urban Counties.

We decided to continue the tradition, as reflected in the 2001 plan that results in the division of urban counties into more than one Congressional district. We agree with the decision of prior legislative leadership that urban counties are best represented by multiple members of Congress. Moreover, creating multiple districts within an urban county makes it less likely that congressional districts in 2020 will experience the significant population shifts that make the 2001 plan unbalanced. We extended this policy to Buncombe County but elected not to divide New Hanover County. We concluded that the population in New Hanover is more isolated in the southeastern corner of North

Carolina and was needed to anchor our new proposed Seventh Congressional District.

9. Creating More Competitive Districts.

The federal and state constitutions allow legislatures to consider partisan impacts in making Congressional redistricting decisions. While we have not been ignorant of the partisan impacts of the districts we have created, we have focused on ensuring that the districts will be more competitive than the districts created by the 2001 legislature. Along these lines we wish to highlight several important facts. First, in twelve of our proposed thirteen districts, in the 2008

General Election, more voters voted for Democratic candidate for Attorney General, Roy Cooper than those who voted for the Republican candidate. Second, registered Democrats outnumber registered Republicans in ten of our proposed thirteen districts. Finally, the combination of registered Democrats plus unaffiliated voters constitute very significant majorities in all thirteen districts.

NORTH CAROLINA GENERAL ASSEMBLY
STATE LEGISLATIVE BUILDING
RALEIGH, NORTH CAROLINA 27603

Joint Statement of Senator Bob Rucho and Representative David Lewis regarding the release of Rucho-Lewis Congress 2

On July 1, 2011, we released for public comment our first proposed Congressional Redistricting plan called "Rucho-Lewis Congress 1" ("Rucho-Lewis 1"). We believe that Rucho-Lewis 1 fully complies with all applicable federal and state legal requirements.

On July 7, 2011, we held public hearings on Rucho-Lewis 1 and received many comments and suggestions regarding our initial proposed plan.

Today, we are pleased to release "Rucho-Lewis Congress 2" ("Rucho-Lewis 2"), which constitutes a revision of our original plan. We have made several changes in this second proposed Congressional plan based upon comments received during the public hearings, comments on the General Assembly's website and feedback from members of Congress.

One of our goals is to create more competitive Congressional districts. In fact, John Dinan, Professor of Political Science from Wake Forest University, prepared an unsolicited report explaining how our initial proposed plan creates more competitive districts than the existing 2001 Congressional plan. Dr. Dinan's report is available for review on the General Assembly's web page and its redistricting link.

As explained by Professor Dinan, claims that we have engaged in extreme political gerrymandering, similar to what exists in the current versions of the

Thirteenth, Second and Eighth Congressional Districts, are overblown and inconsistent with the facts. For example, based upon the results of the 2008 General Election, Democratic Attorney General Candidate Roy Cooper would have carried twelve of thirteen districts in Rucho-Lewis 1 and all thirteen districts in Rucho-Lewis 2. In both of our proposals, registered Democrats are a majority in three congressional districts. There are no districts in which registered Republicans are a majority. In both proposals, registered Democrats outnumber registered Republicans in ten districts. Finally, in both proposals, the combination of registered Democrats and unaffiliated voters constitute a majority in all thirteen districts. Thus, in both of our proposals, there are three strong Democratic districts. There are also ten districts in which Democratic candidates have the potential to win, without a single Republican vote, provided they convey a message that appeals to their own registered Democrats and unaffiliated voters.

The changes found in Rucho-Lewis 2 stem in part from comments we received regarding our initial proposal for Congressman Butterfield's First District. Changes we have made to the First District have had a rippling impact on most of the remaining districts.

Some of our critics have suggested that the First District be eliminated from any new redistricting plan because of it shape. Those who have made this argument fail to understand that the 2011 General Assembly inherited the First District from prior General Assemblies and that prior General Assemblies enacted the First District in order to comply with Section 2 of the Voting Rights Act. For example, some of these same critics are apparently unaware that the shape of the First District has been

approved by a federal district court as compliant with the minority population "compactness" requirement for districts drawn to avoid liability under Section 2 of the Voting Rights Act. *Cromartie v Hunt*, 133 F.Supp.2d 407,423 (E.D.N.C. 2000). It would be legally imprudent to dissolve this district.

However, we cannot keep the 2001 version of the First District because of two flaws. First, the current First District is under-populated by over 97,000 people. Second, it does not include a majority black voting age population ("BAP"), as required by Section 2 of the Voting Rights Act. *See Strickland v. Bartlett*, 129 U.S. 1231 (2009). Thus, any revision of the First District requires the addition of over 97,000 people. In addition, added population must include a sufficient number of African Americans so that the First District can re-establish as a majority black district.

Prior to our release of Rucho-Lewis 1, we discussed both of these problems with Congressman Butterfield. We believe that he understood and agreed that his district would be drawn into either Wake or Durham Counties to cure the district's equal population and voting rights deficiencies. We understood that Congressman Butterfield preferred that his district be drawn into Wake County instead of Durham. We also discussed with Congressman Butterfield that drawing his district into Wake County may result in the withdrawal from his district of one or more counties covered by Section 5 of the Voting Rights Act. Our understanding of Congressman Butterfield's preferences was reflected in our initial version of the First District found in Rucho-Lewis 1.

During our public hearings, several speakers expressed concerns about our decision to withdraw the First District from several counties covered by Section

5 of the Voting Rights Act. Despite these complaints, we have received only one other proposal that would bring the First District back to a majority black level. This sole proposed alternative drew the First District into Durham County instead of Wake. This proposal also included all of the Section 5 counties currently found in the 2001 version of the First District.

Following the public hearing, Congressman Butterfield issued a statement disputing our understanding of our prior discussions with him. Thus, as we now understand Congressman Butterfield's position regarding revisions to the First District, it appears that he may have no preference between drawing his district into either Wake or Durham Counties. We also assume that Congressman Butterfield would support keeping the black population in Section 5 counties at similar or higher levels as compared to the amount of black population in Section 5 counties under the 2001 version of the First District.

Based upon this feedback, in Rucho-Lewis 2, we have drawn the First District into Durham County instead of Wake. There is historical precedent for a district that combines Durham with counties located in eastern North Carolina. Moreover, our revised version of the First District brings it up to ideal population with other districts and re-establishes it as a majority black district.

While our initial version of the First District was fully compliant with Section 2 and Section 5 of the Voting Rights Act, our second version includes population from all of the Section 5 counties found in the 2001 version of the First District. Moreover, the total BVAP located in Section 5 counties in Rucho-

Lewis 2 exceeds the total BVAP currently found in the 2001 version.

Some of our critics have complained about the appearance of our proposed Twelfth District. Again, these critics fail to understand that we inherited District 12 from prior General Assemblies. Further, this district has been approved by the United States Supreme Court as a district lawfully drawn to elect a Democrat. *Easley v Cromartie*, 121 S.Ct. 1452 (2000). The District has also been precleared under Section 5 of the Voting Rights Act on at least two prior occasions.

In adopting the Twelfth District, we intended to accommodate the wishes expressed to us by Congressman Watt, as we understood them, to continue to include populations located in Mecklenburg, Guilford, and Forsyth Counties. Our revised version of this district makes it more compact and continues the district as a very strong Democratic district. Our revision of the Twelfth District is based upon whole precincts that voted heavily for President Obama in the 2008 General Election. We have been accused of illegally "packing" black voters into the Twelfth District and illegally "diluting" the "influence" of black voters. We have repeatedly asked our critics for any case law that supports these arguments and none has been provided. By continuing to maintain this district as a very strong Democratic district, we understand that districts adjoining the Twelfth District will be more competitive for Republican candidates.

Congressional Races
1992-2010

1992, 1st Congressional District

Candidate	Year	Cong. Dist.	Election	Race/ Ethnicity	Outcome	Party	Vote Total	% of Vote
Eva Clayton	1992	1st	Primary (D)	Black	2nd Primary	Democrat	27,477	31.15%
Thomas B. Brandon III	1992	1st	Primary (D)	White	2nd Primary	Democrat	5,085	5.77%
Thomas Hardaway*	1992	1st	Primary (D)	Black	2nd Primary	Democrat	5,771	6.54%
Walter B. Jones Jr.	1992	1st	Primary (D)	White	2nd Primary	Democrat	33,614	38.13%
Staccato Powell	1992	1st	Primary (D)	Black	2nd Primary	Democrat	5,893	6.68%
Willie D. Riddick	1992	1st	Primary (D)	Black	2nd Primary	Democrat	9,112	10.33%
Don Smith	1992	1st	Primary (D)	No Available Record	2nd Primary	Democrat	1,227	1.39%
Eva Clayton	1992	1st	2nd Primary (D)	Black	Winner	Democrat	43,210	54.73%
Walter B. Jones Jr.	1992	1st	2nd Primary (D)	White	Defeated	Democrat	35,729	45.26%
Eva Clayton	1992	1st	Special Vac. Election	Black	Winner	Democrat	118,324	56.69%
Ted Tyler	1992	1st	Special Vac. Election	No Available Record	Defeated	Republican	86,273	41.33%
C. Barry Williams	1992	1st	Special Vac. Election	White	Defeated	Libertarian	4,121	1.97%
Eva Clayton	1992	1st	General	Black	Winner	Democrat	139,078	68.99%
Ted Tyler	1992	1st	General	No Available Record	Defeated	Republican	54,457	31.43%
C. Barry Williams	1992	1st	General	White	Defeated	Libertarian	2,727	1.57%

Election Year	Total Pop	% Total Pop.	Total White	% Total White	Total Black	% Total Black	Total Am. Ind.	% Total Am. Ind.	Total Asian/PI	% Total Asian/P	Total Other	% Total Other
1992	552,184	100%	229,819	41.61%	316,190	57.26%	3,424	0.62%	1,146	0.23%	2,689	0.31%
	Total VAP	% Total VAP	White VAP	% White VAP	Black VAP	% Black VAP	Am. Ind. VAP	% Am. Ind. VA	Asian/PI VAP	% Asian/PI VAP	Other VAP	% Other VAP
	390,969	100%	181,933	46.49%	213,602	54.60%	2,438	0.61%	844	0.21%	1,110	0.28%

1992, 12th Congressional District

Candidate	Year	Cong. Dist.	Election	Race/Ethnicity	Outcome	Party	Vote Total	% of Vote
Earl Jones	1992	12th	Primary (D)	No Available	Defeated	Democrat	5,338	9.48%
Larry D. Little*	1992	12th	Primary (D)	Black	Defeated	Democrat	8,298	14.73%
Mickey Michaux	1992	12th	Primary (D)	Black	Defeated	Democrat	16,187	28.74%
Melvin Watt	1992	12th	Primary (D)	Black	Winner	Democrat	26,485	47.04%
D.A. Brooks	1992	12th	Primary (R)	No Available Record	2nd Primary	Republican	543	6.25%
George Jones	1992	12th	Primary (R)	No Available Record	2nd Primary	Republican	1,917	22.07%
Max Kent	1992	12th	Primary (R)	No Available Record	2nd Primary	Republican	1,533	17.62%
O.C. Stafford	1992	12th	Primary (R)	No Available Record	2nd Primary	Republican	1,758	20.24%
Barbara Gore Washington	1992	12th	Primary (R)	Black	2nd Primary	Republican	2,985	33.33%
Barbara Gore Washington	1992	12th	2nd Primary (R)	Black	Winner	Republican	3,972	55.42%
George Jones	1992	12th	2nd Primary (R)	No Available Record	Defeated	Republican	861	44.56%
Melvin Watt	1992	12th	General	Black	Winner	Democrat	127,262	70.37%
Barbara Gore Washington	1992	12th	General	Black	Defeated	Republican	49,402	27.32%
Curtis Wade Krumel	1992	12th	General	White	Defeated	Libertarian	4,180	2.30%

Election Year	Total Pop	% Total Pop	Total White	% Total White	Total Black	% Total Black	Total Am. Ind.	% Total Am. Ind.	Total Asian/PI	% Total Asian/PI	Total Other	% Total Other	Total Multi-Race	% Total Multi-Race
1992	592,340	100%	330,888	61.80%	312,791	58.53%	2,077	0.58%	4,891	0.89%	1,719	0.32%	N/A	N/A
	Total VAP	% Total VAP	White VAP	% White VAP	Black VAP	% Black VAP	Am. Ind. VAP	% Am. Ind. VAP	Asian/PI VAP	% Asian/PI VAP	Other VAP	% Other VAP	Multi-Race VAP	% Multi-Race VAP
	421,687	100%	186,315	65.21%	239,610	53.54%	1,525	0.37%	3,283	0.80%	1,350	0.28%	N/A	N/A

1994, 1st Congressional District

Candidate	Year	Cong. Dist.	Election	Race/Ethnicity	Outcome	Party	Vote Total	% of Vote
Eva Clayton	1994	1st	General	Black	Winner	Democrat	66,827	61.06%
Ted Tyler	1994	1st	General	No Available Record	Defeated	Republican	42,602	38.93%

Election Year	Total Pop	% Total Pop	Total White	% Total White	Total Black	% Total Black	Total Am. Ind.	% Total Am. Ind.	Total Asian/PI	% Total Asian/PI	Total Other	% Total Other	Total Multi-Race	% Total Multi-Race
1994	552,389	100%	229,829	41.61%	316,290	57.26%	3,424	0.62%	1,148	0.21%	1,699	0.31%	N/A	N/A
	Total VAP	% Total VAP	White VAP	% White VAP	Black VAP	% Black VAP	Am. Ind. VAP	% Am. Ind.	Asian/PI VAP	% Asian/PI VAP	Other VAP	% Other VAP	Multi-Race VAP	% Multi-Race VAP
	395,969	100%	181,931	45.49%	213,602	53.40%	2,428	0.61%	844	0.21%	1,110	0.28%	N/A	N/A

1994, 11th Congressional District

Candidate	Year	Cong. Dist.	Election	Race/Ethnicity	Outcome	Party	Vote Total	% of Vote
Maggie Palmer Lauterer	1994	11th	Primary (D)	White	Winner	Democrat	48,879	77.54%
J. Richard (Dick) Queen	1994	11th	Primary (D)	Black	Defeated	Democrat	6,672	10.58%
John Tripp	1994	11th	Primary (D)	No Available Record	Defeated	Democrat	7,479	11.86%

Election Year	Total Pop.	% Total Pop.	Total White	% Total White	Total Black	% Total Black	Total Am. Ind.	% Total Am. Ind.	Total Asian/PI	% Total Asian/PI	Total Other	% Total Other	Total Multi-Race	% Total Multi-Race
1994	552,387	100%	[illegible]	93.89%	39,767	7.20%	7,835	1.42%	2,791	0.51%	936	0.17%	N/A	N/A
	Total VAP	% Total VAP	White VAP	% White VAP	Black VAP	% Black VAP	Am. Ind. VAP	% Am. Ind. VAP	Asian/PI VAP	% Asian/PI VAP	Other VAP	% Other VAP	Multi-Race	% Multi-Race
	430,457	100%	396,064	92.01%	27,438	6.37%	5,336	1.24%	1,237	0.29%	582	0.14%	N/A	N/A

1994, 12th Congressional District

Candidate	Year	Cong. Dist.	Election	Race/Ethnicity	Outcome	Party	Vote Total	% of Vote
Melvin Watt	1994	12th	General	Black	Winner	Democrat	57,669	65.80%
Joseph A. (Joe) Martino*	1994	12th	General	White	Defeated	Republican	29,938	34.15%
Susan A. Skinner*	1994	12th	General	White	Defeated	Write-In	93	0.05%

Election Year	Total Pop.	% Total Pop.	Total White	% Total White	Total Black	% Total Black	Total Am. Ind.	% Total Am. Ind.	Total Asian/PI	% Total Asian/PI	Total Other	% Total Other	Total Multi-Race	% Total Multi-Race
1994	552,286	100%	280,899	41.80%	317,791	56.63%	2,077	0.38%	4,841	0.89%	1,758	0.31%	N/A	N/A
	Total VAP	% Total VAP	White VAP	% White VAP	Black VAP	% Black VAP	Am. Ind. VAP	% Am. Ind.	Asian/PI VAP	% Asian/PI VAP	Other VAP	% Other VAP	Multi-Race VAP	% Multi-Race
	411,667	100%	186,115	45.22%	219,610	53.34%	1,529	0.37%	3,283	0.80%	1,130	0.28%	N/A	N/A

1996, 1st Congressional District

Candidate	Year	Cong. Dist.	Election	Race/Ethnicity	Outcome	Party	Vote Total	% of Vote
Eva Clayton	1996	1st	General	Black	Winner	Democrat	198,759	66.99%
Ted Tyler	1996	1st	General	No Available Record	Defeated	Republican	54,666	33.12%
Todd Maroney	1996	1st	General	No Available Record	Defeated	Libertarian	1,072	0.64%
Joseph Boeryman	1996	1st	General	No Available Record	Defeated	NL	531	0.32%

Election Year	Total Pop	% Total Pop.	Total White	% Total White	Total Black	% Total Black	Total Am. Ind.	% Total Am. Ind.	Total Asian/PI	% Total Asian/PI	Total Other	% Total Other	Total Multi-Race	% Total Multi-Race
1996	552, 586	100%	229,429	41.51%	316,290	57.26%	3,428	0.62%	1,346	0.24%	1,689	0.31%	N/A	N/A
	Total VAP	% Total VAP	White VAP	% White VAP	Black VAP	% Black VAP	Am. Ind. VAP	% Am. Ind. VAP	Asian/PI VAP	% Asian/PI VAP	Other VAP	% Other VAP	Multi-Race VAP	% Multi-Race
	399,569	100%	181,933	45.49%	218,602	53.40%	2,428	0.61%	846	0.21%	1,220	0.28%	N/A	N/A

1996, 7th Congressional District

Candidate	Year	Cong. Dist.	Election	Race/Ethnicity	Outcome	Party	Vote Total	% of Vote
George W. Breece*	1996	7th	Primary (D)	White	2nd Primary	Democrat	5,688	10.79%
Timothy Mark Dunn*	1996	7th	Primary (D)	White	2nd Primary	Democrat	4,868	9.23%
Howard Greenbaum*	1996	7th	Primary (D)	White	2nd Primary	Democrat	764	1.45%
Glenn Jernigan	1996	7th	Primary (D)	No Available Record	2nd Primary	Democrat	9,920	18.82%
Rose-Marie Lowry-Townsend	1996	7th	Primary (D)	American Indian	2nd Primary	Democrat	15,925	30.22%
Mike McIntyre	1996	7th	Primary (D)	White	2nd Primary	Democrat	12,327	23.39%
Marcus Williams	1996	7th	Primary (D)	No Available Record	2nd Primary	Democrat	3,162	6%
Rose-Marie Lowry-Townsend	1996	7th	2nd Primary (D)	American Indian	Defeated	Democrat	14,806	47.72%
Mike McIntyre	1996	7th	2nd Primary (D)	White	Winner	Democrat	16,235	52.27%

Election Year	Total Pop	% Total Pop.	Total White	% Total White	Total Black	% Total Black	Total Am. Ind.	% Total Am. Ind.	Total Asian/PI	% Total Asian/PI	Total Other	% Total Other	Total Multi-Race	% Total Multi-Race
1996	552,388	100%	354,855	71.49%	103,435	18.72%	40,166	7.27%	5,835	1.06%	8,102	3.47%	N/A	N/A
	Total VAP	% Total VAP	White VAP	% White VAP	Black VAP	% Black VAP	Am. Ind.	% Am. Ind.	Asian/PI VAP	% Asian/PI	Other VAP	% Other VAP	Multi-Race	% Multi-Race
	414,413	100%	306,754	74.02%	71,071	17.15%	28,489	6.87%	4,203	1.01%	5,893	1.42%	N/A	N/A

1996, 12th Congressional District

Candidate	Year	Cong. Dist.	Election	Race/Ethnicity	Outcome	Party	Vote Total	% of Vote
Melvin Watt	1996	12th	General	Black	Winner	Democrat	134,675	73.48%
Joseph A. (Joe) Martino*	1996	12th	General	White	Defeated	Republican	46,583	26.70%
Roger L. Kahn	1996	12th	General	No Available Record	Defeated	Libertarian	1,874	1.07%
Walter Lewis	1996	12th	General	No Available Record	Defeated	NL	1,269	0.72%

Election Year	Total Pop	% Total Pop.	Total White	% Total White	Total Black	% Total Black	Total Am. Ind.	% Total Am. Ind.	Total Asian/PI	% Total Asian/PI	Total Other	% Total Other	Total Multi-Race	% Total Multi-Race
1996	552,388	100%	230,888	41.80%	312,793	56.63%	2,077	0.38%	4,891	0.89%	1,739	0.31%	N/A	N/A
	Total VAP	% Total VAP	White VAP	% White VAP	Black VAP	% Black VAP	Am. Ind. VAP	% Am. Ind.	Asian/PI VAP	% Asian/PI VAP	Other VAP	% Other VAP	Multi-Race	% Multi-Race
	411,687	100%	186,915	45.21%	219,610	53.34%	1,521	0.37%	3,263	0.80%	1,150	0.28%	N/A	N/A

1998, 1st Congressional District

Candidate	Year	Cong. Dist.	Election	Race/Ethnicity	Outcome	Party	Vote Total	% of Vote
Eva Clayton	1998	1st	General	Black	Winner	Democrat	85,315	62.24%
Ted Tyler	1998	1st	General	No Available Record	Defeated	Republican	50,578	36.89%
Jack Schwartz	1998	1st	General	No Available Record	Defeated	Libertarian	1,044	0.76%

Election Year	Total Pop	% Total Pop	Total White	% Total White	Total Black	% Total Black	Total Am. Ind.	% Total Am. Ind.	Total Asian/PI	% Total Asian/PI	Total Other	% Total Other	Total Multi-Race	% Total Multi-Race
1998	552,161	100%	288,456	48.62%	277,346	50.27%	3,461	0.63%	1,238	0.22%	1,440	0.26%	N/A	N/A
	Total VAP	% Total VAP	White VAP	% White VAP	Black VAP	% Black VAP	Am. Ind. VAP	% Am. Ind. VAP	Asian/PI VAP	% Asian/PI VAP	Other VAP	% Other VAP	Multi-Race VAP	% Multi-Race VAP
	403,065	100%	211,279	52.42%	187,573	46.54%	2,450	0.61%	872	0.22%	955	0.24%	N/A	N/A

1998, 12th District

Candidate	Year	Cong. Dist.	Election	Race/Ethnicity	Outcome	Party	Vote Total	% of Vote
Ronnie Adcock	1998	12th	Primary (D)	White	Defeated	Democrat	2,275	15.76%
Melvin Watt	1998	12th	Primary (D)	Black	Winner	Democrat	12,160	84.24%
Melvin Watt	1998	12th	General	Black	Winner	Democrat	82,375	55.95%
John "Scott" Keadle	1998	12th	General	White	Defeated	Republican	62,070	42.14%
Michael G. Smith	1998	12th	General	No Available Record	Defeated	Libertarian	2,713	1.84%

Election Year	Total Pop	% Total Pop	Total White	% Total White	Total Black	% Total Black	Total Am. Ind.	% Total Am. Ind.	Total Asian/PI	% Total Asian/PI	Total Other	% Total Other	Two+ Multi-Race	% Total Multi-Race
1998	552,487	100%	346,887	62.89%	196,549	35.58%	1,889	0.34%	5,738	1.04%	1,954	0.35%	N/A	N/A
	Total VAP	% Total VAP	White VAP	% White VAP	Black VAP	% Black VAP	Am. Ind. VAP	% Am. Ind. VAP	Asian/PI VAP	% Asian/PI VAP	Other VAP	% Other VAP	Multi-Race	% Multi-Race
	418,216	100%	275,436	65.85%	136,153	32.56%	1,870	0.33%	3,958	0.95%	1,914	0.92%	N/A	N/A

2000, 1st Congressional District

Candidate	Year	Cong. Dist.	Election	Race/Ethnicity	Outcome	Party	Vote Total	% of Vote
Eva Clayton	2000	1st	General	Black	Winner	Democrat	224,373	66%
Duane Kretzer Jr	2000	1st	General	No Available Record	Defeated	Republican	62,196	33%
Christopher Sean Delaney	2000	1st	General	White	Defeated	Libertarian	2,799	1%

Election Year	Total Pop	% Total Pop	Total White	% Total White	Total Black	% Total Black	Total Am. Ind.	% Total Am. Ind.	Total Asian/PI	% Total Asian/PI	Total Other	% Total Other	Total Multi-Race	% Total Multi-Race
2000	552,361	100%	266,458	48.62%	277,565	50.27%	3,467	0.63%	1,238	0.22%	1,483	0.26%	N/A	N/A
	Total VAP	% Total VAP	White VAP	% White VAP	Black VAP	% Black VAP	Am. Ind. VAP	% Am. Ind.	Asian/PI VAP	% Asian/PI VAP	Other VAP	% Other VAP	Multi-Race	% Multi-Race
	408,063	100%	281,373	52.42%	247,575	46.54%	2,450	0.61%	872	0.22%	955	0.24%	N/A	N/A

2000, 4th Congressional District

Candidate	Year	Cong. Dist.	Election	Race/Ethnicity	Outcome	Party	Vote Total	% of Vote
David E. Price	2000	4th	Primary (D)	White	Winner	Democrat	56,886	89.15%
John Winters	2000	4th	Primary (D)	Black	Defeated	Democrat	6,919	10.84%

Election Year	Total Pop	% Total Pop	Total White	% Total White	Total Black	% Total Black	Total Am. Ind.	% Total Am. Ind.	Total Asian/PI	% Total Asian/PI	Total Other	% Total Other	Total Multi-Race	% Total Multi-Race
2000	551,842	100%	421,224	76.33%	116,006	21.02%	1,454	0.26%	10,770	1.95%	2,893	0.49%	N/A	N/A
	Total VAP	% Total VAP	White VAP	% White VAP	Black VAP	% Black VAP	Am. Ind. VAP	% Am. Ind. VAP	Asian/PI VAP	% Asian/PI VAP	Other VAP	% Other VAP	Multi-Race VAP	% Multi-Race VAP
	427,266	100%	332,819	77.91%	84,335	19.79%	1,119	0.26%	7,927	1.86%	1,673	0.39%	N/A	N/A

2000, 12th Congressional District

Candidate	Year	Cong. Dist.	Election	Race/Ethnicity	Outcome	Party	Vote Total	% of Vote
Melvin Watt	2000	12th	General	Black	Winner	Democrat	286,570	68%
Chad Mitchell	2000	12th	General	White	Defeated	Republican	89,596	32%
Anna Lyon	2000	12th	General	White	Defeated	Libertarian	3,978	2%

Election Year	Total Pop	% Total Pop	Total White	% Total White	Total Black	% Total Black	Total Am. Ind.	% Total Am. Ind.	Total Asian/PI	% Total Asian/PI	Total Other	% Total Other	Total Multi-Race	% Total Multi-Race
2000	852,041	100%	384,799	51.89%	287,644	46.67%	2,782	0.33%	5,630	0.92%	1,889	0.31%	N/A	N/A
	Total VAP	% Total VAP	White VAP	% White VAP	Black VAP	% Black VAP	Am. Ind. VAP	% Am. Ind. VAP	Asian/PI VAP	% Asian/PI VAP	Other VAP	% Other VAP	Multi-Race VAP	% Multi-Race VAP
	414,788	100%	228,348	55.05%	179,868	43.36%	1,671	0.40%	5,812	0.92%	1,109	0.27%	N/A	N/A

2002, 1st Congressional District

Candidate	Year	Cong. Dist.	Election	Race/Ethnicity	Outcome	Party	Vote Total	% of Vote
Sam Davis	2002	1st	Primary (D)	No Available Record	Defeated	Democrat	20,758	25.77%
Janice McKenzie Cole	2002	1st	Primary (D)	Black	Defeated	Democrat	14,410	17.89%
Christine L Fitch	2002	1st	Primary (D)	Black	Defeated	Democrat	7,326	9.34%
Frank W Ballance Jr	2002	1st	Primary (D)	Black	Winner	Democrat	37,833	46.98%
Mike Ruff	2002	1st	General	No Available Record	Defeated	Libertarian	2,093	1.43%
Greg Dority	2002	1st	General	White	Defeated	Republican	50,907	34.82%
Frank W Ballance Jr	2002	1st	General	Black	Winner	Democrat	93,137	63.73%

Election Year	Total Pop	% Total Pop.	Total White	% Total White	Total Black	% Total Black	Total Am. Ind.	% Total Am. Ind.	Total Asian/PI	% Total Asian/PI	Total Other	% Total Other	Tota Multi-Race	% Total Multi-Race
2002	619,178	100%	281,551	45.44%	318,958	50.71%	4,480	0.72%	3,118	0.50%	10,289	1.66%	5,982	0.97%
	Total VAP	% Total VAP	White VAP	% White VAP	Black VAP	% Black VAP	Am. Ind. VAP	% Am. Ind. VAP	Asian/PI VAP	% Asian/PI VAP	Other VAP	% Other VAP	Multi-Race VAP	% Multi-Race
	457,936	100%	223,452	48.80%	218,722	47.76%	3,273	0.71%	2,370	0.52%	6,864	1.49%	3,255	0.71%

2002, 12th Congressional District

Candidate	Year	Cong. Dist.	Election	Race/Ethnicity	Outcome	Party	Vote Total	% of Vote
Kimberly Hopley	2002	12th	Primary (D)	White	Defeated	Democrat	6,207	15.28%
Melvin Watt	2002	12th	Primary (D)	Black	Winner	Democrat	33,863	84.71%
Carey Head*	2002	12th	General	White	Defeated	Libertarian	2,830	1.87%
Jeff Kish	2002	12th	General	White	Defeated	Republican	49,588	32.78%
Melvin Watt	2002	12th	General	Black	Winner	Democrat	98,821	65.34%

Election Year	Total Pop	% Total Pop.	Total White	% Total White	Total Black	% Total Black	Total Am. Ind.	% Total Am Ind.	Total Asian/PI	% Total Asian/PI	Total Other	% Total Other	Total Multi-Race	% Total Multi-Race
2002	619,178	100%	292,101	47.18%	278,724	45.02%	2,333	0.41%	13,287	2.15%	22,714	3.67%	9,819	1.59%
	Total VAP	% Total VAP	White VAP	% White VAP	Black VAP	% Black VAP	Am. Ind. VAP	% Am. Ind.	Asian/PI VAP	% Asian/PI VAP	Other VAP	% Other VAP	Multi-Race VAP	% Multi-Race VAP
	460,679	100%	232,950	50.57%	194,901	42.31%	1,886	0.41%	9,305	2.02%	15,729	3.41%	5,908	1.28%

2004, 1st Congressional District

Candidate	Year	Cong. Dist.	Election	Race/Ethnicity	Outcome	Party	Vote Total	% of Vote
Christine L. Rush	2004	1st	Primary (D)	Black	Defeated	Democrat	4,301	7.10%
Carroll Smith	2004	1st	Primary (D)	No Available Record	Defeated	Democrat	2,111	3.48%
Donald (Don) Davis	2004	1st	Primary (D)	Black	Defeated	Democrat	3,296	5.44%
G. K. Butterfield	2004	1st	Primary (D)	Black	Winner	Democrat	43,257	71.44%
Samuel "Sam" S. Bowie, III	2004	1st	Primary (D)	No Available Record	Defeated	Democrat	7,571	1.25%
G. K. Butterfield	2004	1st	Special Vac. Election	Black	Winner	Democrat	48,567	71.15%
Greg Dority	2004	1st	Special Vac. Election	White	Defeated	Republican	18,491	27.08%
Thomas I. Eisenmenger	2004	1st	Special Vac. Election	No Available Record	Defeated	No Available Record	1,201	1.75%
Greg Dority	2004	1st	General	White	Defeated	Republican	77,508	36.02%
G. K. Butterfield	2004	1st	General	Black	Winner	Democrat	137,667	63.97%

Election Year	Total Pop	% Total Pop	Total White	% Total White	Total Black	% Total Black	Total Am. Ind.	% Total Am. Ind.	Total Asian/PI	% Total Asian/PI	Total Other	% Total Other	Total Multi-Race	% Total Multi-Race
2004	619,178	100%	281,351	45.44%	333,958	50.71%	4,480	0.72%	3,118	0.50%	10,209	1.66%	5,882	0.97%
	Total VAP	% Total VAP	White VAP	% White VAP	Black VAP	% Black VAP	Am. Ind. VAP	% Am. Ind. VAP	Asian/PI VAP	% Asian/PI VAP	Other VAP	% Other VAP	Multi-Race VAP	% Multi-Race VAP
	457,936	100%	223,452	48.80%	218,732	47.76%	3,279	0.72%	2,371	0.52%	6,844	1.49%	3,265	0.71%

2004, 5th Congressional District

Candidate	Year	Cong. Dist.	Election	Race/Ethnicity	Outcome	Party	Vote Total	% of Vote
David Stephen Vanhoy	2004	5th	Primary (R)	White	2nd Primary	Republican	473	0.80%
Ed Broyhill	2004	5th	Primary (R)	White	2nd Primary	Republican	12,608	21.50%
Edward L. (Ed) Powell	2004	5th	Primary (R)	White	2nd Primary	Republican	960	1.65%
Jay Helvey	2004	5th	Primary (R)	No Available Record	2nd Primary	Republican	8,517	14.52%
Joseph H. (Joe) Byrd	2004	5th	Primary (R)	White	2nd Primary	Republican	1,457	2.48%
Nathan Tabor	2004	5th	Primary (R)	No Available Record	2nd Primary	Republican	7,860	13.06%
Vernon L. Robinson	2004	5th	Primary (R)	Black	2nd Primary	Republican	13,824	23.57%
Virginia Foxx	2004	5th	Primary (R)	White	2nd Primary	Republican	13,119	22.37%
Vernon L. Robinson	2004	5th	2nd Primary (R)	Black	Defeated	Republican	19,201	45.39%
Virginia Foxx	2004	5th	2nd Primary (R)	White	Winner	Republican	23,092	54.60%

Election Year	Total Pop	% Total Pop	Total White	% Total White	Total Black	% Total Black	Total Am. Ind.	% Total Am. Ind.	Total Asian/PI	% Total Asian/PI	Total Other	% Total Other	Total Multi-Race	% Total Multi-Race
2004	619,178	100%	554,435	89.54%	42,047	6.79%	1,354	0.29%	5,070	0.82%	10,841	1.75%	5,391	0.87%
	Total VAP	% Total VAP	White VAP	% White VAP	Black VAP	% Black VAP	Am. Ind. VAP	% Am. Ind.	Asian/PI VAP	% Asian/PI	Other VAP	% Other VAP	Multi-Race	% Multi-Race
	475,937	100%	431,416	90.65%	29,986	6.30%	1,061	0.22%	3,385	0.71%	6,986	1.47%	3,043	0.64%

2004, 12th Congressional District

Candidate	Year	Cong. Dist.	Election	Race/Ethnicity	Outcome	Party	Vote Total	% of Vote
Kimberly (Kim) Holley	2004	12th	Primary (D)	White	Defeated	Democrat	4,243	14.82%
Mel Watt	2004	12th	Primary (D)	Black	Winner	Democrat	24,374	85.17%
Ada M. Fisher	2004	12th	General	Black	Defeated	Republican	76,898	33.17%
Mel Watt	2004	12th	General	Black	Winner	Democrat	154,908	66.82%

Election Year	Total Pop	% Total Pop	Total White	% Total White	Total Black	% Total Black	Total Am. Ind.	% Total Am. Ind.	Total Asian/PI	% Total Asian/PI	Total Other	% Total Other	Total Multi-Race	% Total Multi-Race
2004	619,178	100%	292,101	47.18%	278,724	45.02%	2,533	0.41%	13,287	2.15%	22,714	3.67%	9,819	1.59%
	Total VAP	% Total VAP	White VAP	% White VAP	Black VAP	% Black VAP	Am. Ind. VAP	% Am. Ind. VAP	Asian/PI VAP	% Asian/PI	Other VAP	% Other VAP	Multi-Race VAP	% Multi-Race VAP
	460,675	100%	232,950	50.57%	194,801	42.31%	1,886	0.41%	9,305	2.02%	15,729	3.42%	5,804	1.26%

2006, 1st Congressional District

Candidate	Year	Cong. Dist.	Election	Race/Ethnicity	Outcome	Party	Vote Total	% of Vote
G. K. Butterfield	2006	1st	General	Black	Winner	Democrat	82,510	100%

Election Year	Total Pop	% Total Pop.	Total White	% Total White	Total Black	% Total Black	Total Am. Ind.	% Total Am. Ind.	Total Asian/PI	% Total Asian/PI	Total Other	% Total Other	Total Multi-Race	% Total Multi-Race
2006	619,178	100%	281,353	45.44%	313,958	50.71%	4,480	0.72%	3,118	0.50%	10,289	1.66%	5,982	0.97%
	Total VAP	% Total VAP	White VAP	% White VAP	Black VAP	% Black VAP	Am. Ind. VAP	% Am. Ind. VAP	Asian/PI VAP	% Asian/PI VAP	Other VAP	% Other VAP	Multi-Race VAP	% Multi-Race VAP
	457,936	100%	229,452	48.80%	218,732	47.76%	3,278	0.71%	2,370	0.52%	6,844	1.49%	3,265	0.71%

2006, 4th Congressional District

Candidate	Year	Cong. Dist.	Election	Race/Ethnicity	Outcome	Party	Vote Total	% of Vote
Kent Kanoy	2006	4th	Primary (D)	White	Defeated	Democrat	2,766	6.24%
Oscar Lewis	2006	4th	Primary (D)	Black	Defeated	Democrat	1,886	4.25%
David Price	2006	4th	Primary (D)	White	Winner	Democrat	39,637	89.49%

Election Year	Total Pop	% Total Pop.	Total White	% Total White	Total Black	% Total Black	Total Am. Ind.	% Total Am. Ind.	Total Asian/PI	% Total Asian/PI	Total Other	% Total Other	Total Multi-Race	% Total Multi-Race
2006	619,178	100%	439,558	70.99%	128,354	20.73%	1,950	0.32%	24,258	3.92%	15,135	2.44%	9,928	1.60%
	Total VAP	% Total VAP	White VAP	% White VAP	Black VAP	% Black VAP	Am. Ind. VAP	% Am. Ind. VAP	Asian/PI VAP	% Asian/PI VAP	Other VAP	% Other VAP	Multi-Race VAP	% Multi-Race VAP
	466,938	100%	338,040	72%	91,990	19.70%	1,475	0.32%	18,543	3.97%	11,002	2.36%	5,868	1.26%

2006, 12th Congressional District

Candidate	Year	Cong. Dist.	Election	Race/Ethnicity	Outcome	Party	Vote Total	% of Vote
Mel Watt	2006	12th	General	Black	Winner	Democrat	71,345	67%
Ada M. Fisher	2006	12th	General	Black	Defeated	Republican	35,127	33.99%

Election Year	Total Pop	% Total Pop.	Total White	% Total White	Total Black	% Total Black	Total Am. Ind.	% Total Am. Ind.	Total Asian/PI	% Total Asian/PI	Total Other	% Total Other	Total Multi-Race	% Total Multi-Race
2006	619,178	100%	292,101	47.18%	278,724	45.02%	2,533	0.41%	19,287	2.35%	22,714	3.67%	9,819	1.59%
	Total VAP	% Total VAP	White VAP	% White VAP	Black VAP	% Black VAP	Am. Ind. VAP	% Am. Ind. VAP	Asian/PI VAP	% Asian/PI VAP	Other VAP	% Other VAP	Multi-Race VAP	% Multi-Race VAP
	460,679	100%	232,953	50.57%	194,901	42.31%	1,886	0.41%	9,305	2.02%	15,729	3.41%	5,908	1.28%

2006, 13th Congressional District

Candidate	Year	Cong. Dist.	Election	Race/ Ethnicity	Outcome	Party	Vote Total	% of Vote
John Ross Hendrix	2006	13th	Primary (R)	White	Defeated	Republican	1,387	12.27%
Vernon Robinson	2006	13th	Primary (R)	Black	Winner	Republican	6,065	53.72%
Charlie Sutherland	2006	13th	Primary (R)	White	Defeated	Republican	2,417	24.99%
Brad Miller	2006	13th	General	White	Winner	Democrat	98,540	63.71%
Vernon Robinson	2006	13th	General	Black	Defeated	Republican	56,126	36.29%

Election Year	Total Pop	% Total Pop.	Total White	% Total White	Total Black	% Total Black	Total Am. Ind.	% Total Am. Ind.	Total Asian/PI	% Total Asian/PI	Total Other	% Total Other	Total Multi-Race	% Total Multi-Race
2006	619,178	100%	408,071	65.93%	167,611	27.07%	2,427	0.39%	12,840	2.07%	18,419	2.97%	9,810	1.58%
	Total VAP	% Total VAP	White VAP	% White VAP	Black VAP	% Black VAP	Am. Ind. VAP	% Am. Ind. VAP	Asian/PI VAP	% Asian/PI VAP	Other VAP	% Other VAP	Multi-Race VAP	% Multi-Race VAP
	476,082	100%	325,568	68.38%	120,242	25.26%	1,800	0.38%	9,654	2.03%	12,900	2.71%	5,918	1.24%

2008, 1st Congressional District

Candidate	Year	Cong. Dist.	Election	Race/Ethnicity	Outcome	Party	Vote Total	% of Vote
G.K. Butterfield	2008	1st	General	Black	Winner	Democrat	192,765	70.28%
Dean Stephens	2008	1st	General	White	Defeated	Republican	81,506	29.71%

Election Year	Total Pop	% Total Pop.	Total White	% Total White	Total Black	% Total Black	Total Am. Ind.	% Total Am. Ind.	Total Asian/PI	% Total Asian/PI	Total Other	% Total Other	Total Multi-Race	% Total Multi-Race
2008	619,178	100%	281,351	45.44%	323,958	50.71%	4,480	0.72%	3,138	0.50%	10,289	1.66%	5,982	0.97%
	Total VAP	% Total VAP	White VAP	% White VAP	Black VAP	% Black VAP	Am. Ind. VAP	% Am. Ind. VAP	Asian/PI VAP	% Asian/PI VAP	Other VAP	% Other VAP	Multi-Race VAP	% Multi-Race VAP
	457,936	100%	229,452	48.80%	228,792	47.76%	3,273	0.71%	2,370	0.52%	6,844	1.47%	3,265	0.71%

2008, 12th Congressional District

Candidate	Year	Cong. Dist.	Election	Race/Ethnicity	Outcome	Party	Vote Total	% of Vote
Mel Watt	2008	12th	General	Black	Winner	Democrat	215,908	71.55%
Ty Cobb, Jr.	2008	12th	General	White	Defeated	Republican	85,814	28.44%

Election Year	Total Pop	% Total Pop.	Total White	% Total White	Total Black	% Total Black	Total Am. Ind.	% Total Am. Ind.	Total Asian/PI	% Total Asian/PI	Total Other	% Total Other	Total Multi-Race	% Total Multi-Race
2008	639,178	100%	292,301	47.18%	278,724	45.02%	2,593	0.41%	13,267	2.15%	22,714	3.67%	9,819	1.59%
	Total VAP	% Total VAP	White VAP	% White VAP	Black VAP	% Black VAP	Am. Ind. VAP	% Am. Ind. VAP	Asian/PI VAP	% Asian/PI VAP	Other VAP	% Other VAP	Multi-Race VAP	% Multi-Race VAP
	460,679	100%	232,950	50.57%	194,901	42.31%	1,886	0.41%	9,305	2.02%	15,779	3.43%	5,908	1.28%

2010, 1st Congressional District

Candidate	Year	Cong. Dist.	Election	Race/Ethnicity	Outcome	Party	Vote Total	% of Vote
Chad Larkins	2010	1st	Primary (D)	Black	Defeated	Democrat	17,282	27.06%
G. K. Butterfield	2010	1st	Primary (D)	Black	Winner	Democrat	46,509	72.92%
Ashley Woolard	2010	1st	Primary (R)	White	Winner	Republican	3,774	45.23%
Jim Miller	2010	1st	Primary (R)	White	Defeated	Republican	1,252	15%
Jerry Grimes	2010	1st	Primary (R)	Black	Defeated	Republican	2,220	26.60%
John Carter	2010	1st	Primary (R)	White	Defeated	Republican	1,097	13.14%
G. K. Butterfield	2010	1st	General	Black	Winner	Democrat	103,294	59.51%
Ashley Woolard	2010	1st	General	White	Defeated	Republican	70,857	40.69%

Election Year	Total Pop	% Total Pop.	Total White	% Total White	Total Black	% Total Black	Total Am. Ind.	% Total Am. Ind.	Total Asian/PI	% Total Asian/PI	Total Other	% Total Other	Total Multi-Race	% Total Multi-Race
2010	619,178	100%	281,361	45.44%	313,958	50.71%	4,480	0.72%	3,118	0.50%	10,289	1.66%	5,972	0.97%
	Total VAP	% Total VAP	White VAP	% White VAP	Black VAP	% Black VAP	Am. Ind. VAP	% Am. Ind. VAP	Asian/PI VAP	% Asian/PI VAP	Other VAP	% Other VAP	Multi-Race VAP	% Multi-Race VAP
	457,590	100%	220,492	48.80%	218,732	47.76%	3,273	0.71%	2,370	0.52%	6,844	1.49%	3,265	0.71%

2010, 8th Congressional District

Candidate	Year	Cong. Dist.	Election	Race/Ethnicity	Outcome	Party	Vote Total	% of Vote
Harold Johnson	2010	8th	Primary (R)	No Available Record	2nd Primary	Republican	8,567	33.07%
Jim Jordan	2010	8th	Primary (R)	White	2nd Primary	Republican	4,757	18.36%
Lou Huddleston	2010	8th	Primary (R)	Black	2nd Primary	Republican	2,141	8.26%
Tim D'Annuntio	2010	8th	Primary (R)	White	2nd Primary	Republican	9,548	36.85%
Darrell Day	2010	8th	Primary (R)	White	2nd Primary	Republican	428	1.65%
Lee Cornelson	2010	8th	Primary (R)	No Available Record	2nd Primary	Republican	466	1.80%

Election Year	Total Pop	% Total Pop.	Total White	% Total White	Total Black	% Total Black	Total Am. Ind.	% Total Am. Ind.	Total Asian/PI	% Total Asian/PI	Total Other	% Total Other	Total Multi-Race	% Total Multi-Race
2010	619,178	100%	400,576	64.69%	166,648	26.91%	11,136	1.80%	11,068	1.79%	18,749	3.03%	11,002	1.78%
	Total VAP	% Total VAP	White VAP	% White VAP	Black VAP	% Black VAP	Am. Ind. VAP	% Am. Ind.	Asian/PI VAP	% Asian/PI VAP	Other VAP	% Other VAP	Multi-Race VAP	% Multi-Race VAP
	457,491	100%	309,969	67.75%	112,377	24.78%	7,625	1.67%	8,063	1.76%	12,670	2.77%	5,788	1.27%

2010, 9th Congressional District

Candidate	Year	Cong. Dist.	Election	Race/Ethnicity	Outcome	Party	Vote Total	% of Vote
Jeff Doctor	2010	9th	General	American Indian	Defeated	Democrat	71,450	31.03%
Sue Myrick	2010	9th	General	White	Winner	Republican	158,795	68.95%

Election Year	Total Pop	% Total Pop.	Total White	% Total White	Total Black	% Total Black	Total Am. Ind.	% Total Am. Ind.	Total Asian/PI	% Total Asian/PI	Total Other	% Total Other	Total Multi-Race	% Total Multi-Race
2010	619,178	100%	524,727	84.75%	64,726	10.45%	1,861	0.30%	17,504	2.08%	8,292	1.34%	6,668	1.08%
	Total VAP	% Total VAP	White VAP	% White VAP	Black VAP	% Black VAP	Am. Ind. VAP	% Am. Ind.	Asian/PI VAP	% Asian/PI VAP	Other VAP	% Other VAP	Multi-Race VAP	% Multi-Race VAP
	492,224	100%	397,949	86.99%	44,101	9.54%	1,411	0.31%	9,349	2.02%	5,733	1.24%	3,690	0.80%

2010, 12th Congressional District

Candidate	Year	Cong. Dist.	Election	Race/Ethnicity	Outcome	Party	Vote Total	% of Vote
Mel Watt	2010	12th	General	Black	Winner	Democrat	103,495	63.88%
Greg Dority	2010	12th	General	White	Defeated	Republican	55,315	34.14%
Jon Cecil	2010	12th	General	White	Defeated	Libertarian	3,197	1.97%

Election Year	Total Pop	% Total Pop.	Total White	% Total White	Total Black	% Total Black	Total Am. Ind.	% Total Am. Ind.	Total Asian/PI	% Total Asian/PI	Total Other	% Total Other	Total Multi-Race	% Total Multi-Race
2008	619,178	100%	292,191	47.18%	278,724	45.00%	2,533	0.41%	13,287	2.15%	22,734	3.67%	9,819	1.59%
	Total VAP	% Total VAP	White VAP	% White VAP	Black VAP	% Black VAP	Am. Ind. VAP	% Am. Ind. VAP	Asian/PI VAP	% Asian/PI VAP	Other VAP	% Other VAP	Multi-Race VAP	% Multi-Race VAP
	460,579	100%	232,950	50.57%	194,901	42.31%	1,885	0.41%	9,305	2.02%	15,729	3.41%	5,808	1.26%

2010, 13th Congressional District

Candidate	Year	Cong. Dist.	Election	Race/Ethnicity	Outcome	Party	Vote Total	% of Vote
William (Bill) Randall	2010	13th	Primary (R)	Black	2nd Primary	Republican	5,728	32.59%
Bernie Reeves	2010	13th	Primary (R)	White	2nd Primary	Republican	5,503	31.83%
Ken Huffman	2010	13th	Primary (R)	White	2nd Primary	Republican	4,748	26.98%
Fran [illegible]	2010	13th	Primary (R)	White	2nd Primary	Republican	1,515	8.61%
Wille[illegible] Randall	2010	13th	2nd Primary (R)	White	Winner	Republican	3,807	58.91%
Bernie Reeves	2010	13th	2nd Primary (R)	Black	Defeated	Republican	2,655	41.09%
Brad Miller	2010	13th	General	White	Winner	Democrat	116,103	55.50%
William (Bill) Randall	2010	13th	General	Black	Defeated	Republican	93,099	44.50%

Election Year	Total Pop	% Total Pop	Total White	% Total White	Total Black	% Total Black	Total Am. Ind.	% Total Am. Ind.	Total Asian/PI	% Total Asian/PI	Total Other	% Total Other	Total Multi-Race	% Total Multi-Race
2010	619,178	100%	408,071	65.91%	167,611	27.07%	2,417	0.39%	12,840	2.07%	16,819	2.67%	9,810	1.58%
	Total VAP	% Total VAP	White VAP	% White VAP	Black VAP	% Black VAP	Am. Ind. VAP	% Am. Ind.	Asian/PI VAP	% Asian/PI VAP	Other VAP	% Other VAP	Multi-Race	% Multi-Race
	476,082	100%	325,568	68.38%	120,242	25.26%	1,800	0.38%	9,654	2.03%	12,900	2.71%	5,918	1.24%

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
STATE OF NORTH CAROLINA
COUNTY OF WAKE

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11 CVS 16896
11 CVS 16940
(Consolidated)

MARGARET DICKSON, et al.,

Plaintiffs,

v.

ROBERT RUCHO, et al.,

Defendants.

NORTH CAROLINA STATE CONFERENCE OF BRANCHES OF THE NAACP, et al.,

Plaintiffs,

v.

THE STATE OF NORTH CAROLINA,

Defendants

STIPULATION

The parties, by and through their respective counsel, stipulate and agree that the following documents are genuine and authentic and may be received into evidence pursuant to Rule 201 of the Rules of Evidence without further identification or

proof, subject to the opportunity of any party to contest the relevance of a specific document pursuant to Rule 402 of the Rules of Evidence.

1. The following data and materials on the "2011 Redistricting" page of the website maintained by the North Carolina General Assembly ("General Assembly") are accessible through: http://vvvvw.nc ga.state,nc.us/representation/redistricting.aspx. The data and materials on that page for which judicial notice is requested are:

    a. the Census Block assignment file, the District Layer in Shapefile Format, and the "stat pack," which includes each district's population, racial composition, party affiliation percentages, voter registration numbers, and racially-contested elections (i,e., elections featuring both black and white candidates) from 2004-2010, for each of the following plans available through the 2011 Redistricting page on the General Assembly website:

        i. NC House "Existing District Plan" (the 2009 House plan and the benchmark plan for Section 5 purposes), available at http://www. ncleg.net/representation/Content/Plans/Pla nPageDB2011.asp?Plan=Session Law 2009-78&Body=House

        ii. "Lewis VRA House Districts," released June 17, available at http://www.ncleg.net/rep resentation/Content/Plans/PlanPageDB201 1asp?Plan=LewisVRAHouseDistricts&Body =House

        iii. "Lewis House VRA — Corrected," released June 21, available at http://vvww.neleg.net irepresentation/Content/Plans/PlanPageDB

2011asp?Plan=Lewis_HouseVRA-Corrected &Body=House

iv. "Lewis-Dollar-Dockham 1," released July 12, available at http://www.ncleg.net/representation/Content/Plans/PlanJageDB2011.asp?Plan=Lewis-Dollar-Dockham1&Body=House

v. "Lewis-Dollar-Dockham 2," dated July 20, available at http://www.ncleg.net/representation/Content/Plans/PlanPageDB2011asp?Plan=Lewis-Dollar-Dockham2&Body=House

vi. "Lewis-Dollar-Dockham 3," dated July 26, available at http://www.ncleg.net/representation/Content/Plans/PlanPage_DB_2011.asp?Plan=Lewis-Dollar-Dockham_3&Body=House

vii. "Lewis-Dollar-Dockham 4," dated July 27, available at http://www.ncleg.net/representation/Content/Plans/PlanPage_DB_2011asp?Plan—Lewis-Dollar-Dockham 4&Body=House

viii. "House Fair and Legal" offered by Representative Martin, available at: http://www.ncleg.net/representation/Content/Jlans/PlanJage DB 2011,asp?Plan=House Fair and Legal&Body=House

ix. NC Senate "Existing District Plan" (the 2003 Senate plan and the benchmark plan for Section 5 purposes), available at http://www.ncleg.net/representation/Content/Plans/PlanPage_DB_2011.a.sp?Plan=2003 Senate Redistricting Plan&Body=Senate

x. "Rucho Senate VRA Districts," dated June 17, available at

http://www.ncleg.net/representation/Content/Plans/PlanPage_DB_2011.asp?Plan—Rucho_SenateyRA_Districts&Body—Senate

xi. "Rucho Senate 1," released July 12, available at http://www.ncleg.net/representation/Content/Plans/PlanPage_DB_2011.asp?Plan=Rucho Senate 1 &Bodv=Senate

xii. "Rucho Senate 2," dated July 20, available at http://www.ncleg.net/representation/Content/Plans/PlanPage_DB_2011.asp?Plan=Rucho Senate 2&Body=Senate

xiii. "Senate Fair and Legal," offered by Senator Nesbitt, dated July 25, available at: http://www.ncleg.net/representation/ContentiPlans/PlanPage_DB_2011.asp?Jlan=Senate Fair and Legal&Body—Senate

xiv. Congressional "Existing District Plan" (the 2001 Congressional plan and the benchmark plan for Section 5 purposes), available at http://wvvw.ncleg.net/representation/Content/Plans/PlanPage_DB_2011,asp?Plan=Congress ZeroDeviation&Body=Congress

xv. "Rucho-Lewis Congress 1," released July 1, available at http://www.ncleg.net/representation/Content/Plans/PlanPage_DB_2011.asp?P1an=Rucho-Lewis_Congress_l&Body=Congress

xvi. "Rucho-Lewis Congress 2, released July 19, available at http://www.ncleg.net/representation/Content/Plans/PlanPage_DB_2011.asp?Plan=Rucho-Lewis_Congress_2&Body=Congress

xvii. "Rucho-Lewis Congress 2A," released July 20, available at http//www.ncleg.net/representation/Content/Plans/PlanPage_DB_2011 asp?Plan—Rucho-Lewis_Congress 2A&Body=Congress

xviii. "Rucho-Lewis Congress 3," released July 26, available at http://www.ncleg.net/representation/Content/Plans/PlanPage_DB_2011.asp?Plan=Rucho-Lewis_Congress 3&Body=Congress

xix. "Congressional Fair and Legal," introduced by Sen, Stein, dated July 25, available at: http://wvvw,neleg.net/representation/Content/Jlans/PlanPage_DB_2011asp?Plan—Congressional_Fair_and_Legal&Body=Congress

xx. The "1992 House Base Plan 5," ratified in 1992 and used in elections from 1992 through 2000, available at http://www.neleg.netirepresentation/Content/Plans/PlanPage_DB_1991.asp?Plan=1992 House Base Plan 5&Body=House

xxi. The "Sutton House Jlan 3," ratified in 2001 but not used in an election, available at: http://www.ncleg.net/representation/Content/Plans/PlanPage_DB_2001.asp?Plan=Sutton House_Plan_3&Body=House

xxii. The "Proposed House Plan - Sutton 5," ratified in 2002 but not used in an election, available at: http://www.neleg.net/representation/Content/Plans/PlanPage_DB_2001.asp?Plan=Proposed_House_Plan_Sutton5&Body=House

xxiii. The "Interim House Redistricting Plan," created by NC Superior Court and used for the 2002 election only, available at http://www.ncleg.net/representation/Content/Plans/PlanPage_DB_2001.sp?Plan=Interim_House_Redistricting_Plan_for_NC_2002_Elections&Body=House

xxiv. The 2003 "House Redistricting Plan," ratified in 2003 and used for 2004 through 2008 elections, available at: http://www.ncleg.net/representation/Content/Plans/PlanPage DB 2003.asp?Plan=House Redistricting_Plan&Body=House

xxv. The "1992 Senate Base Plan 6," ratified in 1992 and used in elections from 1992 through 2000, available at http://www.ncleg.net/representation/Content/Plans/PlanPage_DB_1991.asp?Plan=1992_Senate_Base_Plan_6&Body=Senate

xxvi. The "NC Senate Plan 1C," ratified in 2001 but not used in an election, available at: http://www.ncleg.net/representation/Content/Plans/PlanPage_DB_2001.asp?Plan=NC_Senate_Plan_1C&Body=Senate

xxvii. The "Senate Fewer Divided Counties," ratified in 2002 but not used in an election, available at: http://www.ncleg.net/representation/Content/Plans/HlanPage_DB_2001.asp?Plan=Proposed_Senate_Plan-Fewer_Divided_Counties&Body=Senate

xxviii. The "Interim Senate Redistricting Plan," created by NC Superior Court and used for the 2002 election only, available at

http://wwvv,ncleg.nethepresentation/Content/Plans/PlanPage_DB_2001.asp?Plan=Interim_Senate_Redistricting_Plan_for_NC_2002_Elections&Body=Senate

xxix. Possible House Districts - K, Alexander, available at http://www.ncga.state.nc.us/representation/Content/Plans/PlanPage_DB_2011.asp?Plan=Possible_House_Districts&Body=House

xxx. SCSJ House, available at http://www.ncga.state.representation/Content/Plans/PlanPage_DB_2011.asp?Plan=SCSJ_House&Body=House

xxxi. Possible Senate Districts — McKissick, available at http://www.nega.state.nc.us/representation/Content/Plans/PlanPage_DB_2011.asp?Plan=Possible_Senate_Districts&Body=Senate

xxxii. SCSJ Senate, available at http://www.ncga.state.nc.us/representation/Content/Plans/PlanPage_DB_2011.asp?Plan=SCSJ_Senate&Body=Senate

xxxiii. SCSJ Congress, available at http://www.ncga.state.nc.us/representation/Content/Plans/PlanPage_DB_2011.asp?Plan=SCSJ_Congress&Body=Congress

xxxiv. 1992 Congressional Base Plan 10 - ratified in 1992, used for 1992 through 1996 elections, available at http://www.ncga.state.nc.us/representation/Content/Plans!PlanPage_DB_1991.asp?Plan=1992_Congressional_Base_Plan_10&Body=Congress

xxxv. 97 House-Senate Plan A - ratified in 1997, used for 2000 election only, available at http://www.ncga.state.nc.us/representation/Content/Plans/PlanPage_DB_1991.asp?Plan=97_House-Senate_Plan_A&Body=Congress

xxxvi. 1998 Congressional Plan A - ratified in 1998, used for 1998 election only, available at http://wvvw.ncga,state.nc.us/representation/Content/Plans/PlanPage_DB_1991.asp?Plan=1998_Congressional_Plan_A&Body=Congress

b. The schedule of 2011 public hearings on redistricting, available at http://www.ncleg.net/sessions/2011/publichearings/redistricting.html

2. The following historical facts available on the General Assembly's website:

a. The legislative voting history on the Rucho Senate 2 map, including the fact that on July 27, 2011, the Rucho Senate 2 map was enacted as Session Law 2011-402, having been passed by the Senate by a vote of 27 to 18 and by the House by a vote of 67 to 52, available at http://www.ncleg,netigascripts/BillLookUp/BillLookUp.pl?Session=2011&BillID=S455

b. The legislative voting history on the Lewis-Dollar-Dockham 4 map, including the fact that on July 28, the Lewis-Dollar-Dockham 4 map was enacted as Session Law 2011-404, having been passed by the Senate by a vote of 28 to 19 and by the House by a vote of 66 to 53, available at

http://www.ncleg.net/gascripts/BillLookUp/BillLookUp.pl?Session=2011 &Bi11ID=H937

c. The legislative voting history on the Rucho-Lewis Congress 3 map, including the fact that on July 28, the Rucho-Lewis Congress 3 map was enacted as Session Law 2011-403, having been passed by the Senate by a vote of 28 to 17 and by the House by a vote of 68 to 51, available at http://www.ncleg.net/gascripts/BillLookUp/BillLookUp.pl?Session=2011 &Bil1ID=S453

d. On November 7, 2011, curative legislation for the Rucho-Senate 2 map was enacted as Session Law 2011-413, having been passed by the Senate by a vote of 25 to 12 and by the House by a vote of 61 to 46, available at http://www.ncleg.net/gascripts/BillLookUp/BillLookUp.pl?Session=2011&BillID=S283

e. Also on November 7, 2011, curative legislation for the Rucho-Lewis Congress 3 was enacted as Session Law 2011-414, having been passed by the Senate by a vote of 25 to 12, and by the House by a vote of 62 to 46, available at: http://www.neleg.net/gascripts/BillLookUp.pl?Session=2011&BillID=S689

f. Also on November 7, 2011, curative legislation for the Lewis-Dollar-Dockham 3 map, which, as amended, was styled Lewis-Dollar-Dockham 4, was enacted as Session Law 2011-416, having been passed by the Senate by a vote of 24 to 10 ("LDD 4 Plan") and by the House by a vote of 62 to 49, available at: http://www.ncleg.net/gascripts/BillLookUp/BillLookUp.pl?Session=2011&Bi1lID=11777

3. Official transcripts from all meetings of the North Carolina Senate and House redistricting committees, including:

   a. The official transcript from the March 30, 2011, joint meeting of the North Carolina Senate and House redistricting committees, offered as Attachment A to this motion

   b. The official transcript from the April 7, 2011, meeting of the North Carolina House redistricting committee, offered as Attachment B to this motion

   c. The official transcript from the June 15, 2011, joint meeting of the North Carolina Senate and House redistricting committees, offered as Attachment C to this motion

4. Data regarding the 2012 elections, ballot styles, and candidate filings available on the website maintained by the North Carolina State Board of Elections, which is accessible at http://www.ncsbe.gov, Specifically:

   a. significant 2012 election dates and deadlines, including the schedule for early voting for the May 8, 2012, primaries, which opened on April 19, 2012, available at http://www.ncsbe.gov/content.aspx?id=61

   b. the ballot styles (by county) for the May 8 primary elections, available at httn://www.nesbe.gov/downloads/SampleBallots/2012-05-08/

   c. the ballot styles (by county) for the July 17 primary run-off elections, available at http://www.ncsbe.gov/downloads/SampleBallots/2012-07-17/

d. the ballot styles (by county) for the November 6 general elections, available at http://www.ncsbe.gov/dovvriloads/SampleBallots/2012-11 -06/

e. the election results from the May 8 primary elections, available at http://www.nesbe.gov/content.aspx?id=69

f. the election results from the July 17 second primary run-off elections, available at httn://www,ncsbe,gov/content.aspx?id=69

g. the final candidate list for the May 8 primary election, available at http://www.ncsbe.gov/content.aspx?id=82

h. the final candidate list for the November 6 general election, available at http://www,ncsbe.gov/content,aspx?id=82

5. 2011 Section 5 submissions to the United States Department of Justice for the House, Senate, and Congressional Plans

6. State Auditor Race 2004 and Statewide Partisan and U,S. Senate Races with Minority Candidates 2004-2010, available athttp://www.ncga.state.nc.us/GIS/Download/ReferenceDocs/2011/CommitteeDoes/Statewide%20Partisan%20Candidates%202004-2010%20Handouts.pdf

So stipulated, this 25th day of February, 2013.

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LACY H. THORNBURG

ATTORNEY GENERAL

January 28, 1992

Mr. Gerald W. Jones
Chief, Voting Section.
Civil Rights Division
U. S. Department of Justice
P.O. Box 66128
Washington, D.C. 20035-6128

Re: Request for Expedited Section 5 Consideration of Chapter 7 (House Bill 3) - North Carolina revised Congressional Redistricting Plan

Dear Mr. Jones:

The following submission of Chapter 7 of the 1991 Extra Session of the North Carolina General Assembly (House. Bill 3), which revised the Congressional redistricting plan, is made on behalf of Mr. Alex Brock, Executive Secretary-Director the State. Board of Elections.

On December 18, 1991, your department interposed an objection to the State's Congressional redistricting plan, Chapter 601. See your file Nos. 91-2724 and 91-2847. As a result of the objection, a special session of the General Assembly was convened to consider the State's response. On January 24, 1992, the General

Assembly enacted a revised congressional redistricting plan for the purpose of addressing the concerns raised in the objection letter concerning the creation of a second minority district. To facilitate the preclearance process, the General Assembly has created two minority districts. One district, No. 1, is similar to the minority district previously approved by your Department. The second district, No. 12, is based on an urban district suggested by the NAACP

We believe that this plan is in full compliance with the Voting Rights Act, Sections 5 and 2, and with existing case law. The General Assembly has acted in good faith to meet the concerns expressed in your objection letter. For this reason, Chapter 7 should be expeditiously precleared so that the State can proceed with preparations for the May 1992 primary election. With the presidential and other primaries are scheduled for May, and because the county boards of election have a great deal of work to do to prepare for elections based on new House, Senate and Congressional districts, it is of utmost importance that the State's reapprortionment plans be given expedited review. The opening date for candidate filings has already been pushed back as far as reasonable, to February 10, 1992.

Very truly yours,

LACY H. THORNBURG
Attorney General

/s/ Tiare B. Smiley
Tiare B. Smiley
Special Deputy Attorney General

SECTION 5 SUBMISSION FOR REVISED CONGRESSIONAL REDISTRICTING PLAN
Chapter 7 (House Bill 3)

2C/27A. Enactment of Revised Congressional Redistricting Plan.

The revised Congressional redistricting plan passed by the North Carolina General Assembly is contained in Chapter 7 of the 1991 Extra Session (House Bill 3). That bill is included with statistics and maps of the revised Congressional redistricting plan, 1992 CONGRESSIONAL BASE PLAN #10 - Statistics, Maps and Bill, at Attachment 2C/27A-1. A large scale map of this plan is included as Attachment 2C/28B-1.

A computer tape of the revised Congressional plan is included as Attachment 2C/27A-2.

2C/278. Statistics and Map for Prior Plan.

The statistics and map analyzing the Congressional redistricting plan now in effect using 1980 and 1990 census data were included in the original Congressional submission at C-278.

2C/27C. Explanation of Changes to the Congressional Redistricting Plan.

The change affecting voting is contained in Chapter 7 of the 1991 Session Laws, 1991 Regular Session (House Bill 3), included as Attachment 2C/27A-1. The initial plan was Chapter 601 of the 1991 Session Laws, included in the original Congressional submission as Attachment C-27A-1.

The proposed plan continues to increase the opportunity for minorities to elect candidates of their choice. In the proposed plan, 1992 CONGRESSIONAL BASE PLAN #10, total black population (BLTOTPOP), total black voting age population (BLVAP), total black voter

registration (BLVOT), and the percentage of registered Democrats who are black (BLDEM) are listed for the 1st and 12th Congressional Districts. Similar information is then listed for the 1st Congressional District in the previous plan, 1991 CONGRESSIONAL BASE PLAN #6. Although the Attorney General had approved the 1st Congressional District in BASE PLAN #6, both black districts in the plan now submitted have higher black percentages than the 1st District that you approved in the submission of Chapter 601.

PLAN #10 (proposed)

DIST	BLTOTPOP	BLVAP	BLVOT	BLDEM
1	57.26%	53.40%	52.41%	57.82%
12	56.63%	53.34%	54.71%	67.10%

PLAN #6 (previous)

1	55.69%	52.18%	51.34%	57.13%

Attachment 2C-27C- I explains the method used for estimating voter registration when precincts were divided,

2C/27D. Persons Making the Submission.

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2C/27E. Submitting Authority.

The submitting authority is the Executive Secretary-Director for the State Board of Elections for the State of North Carolina.

2C/27F. Location, (if submitting authority is not State or county).

Not applicable.

2C/27G. Responsible Body and Mode of Decision.

The Congressional redistricting plan is an act of the State legislature, the North Carolina General Assembly,

2C/27H. Authority and Process for Congressional Redistricting.

The process for Congressional Redistricting after the enactment of the initial plan (1991 CONGRESSIONAL BASE PLAN #6, ratified as Chapter 601 of the 1991 Session Laws) began on December 18, 1991 - the date on which the General Assembly received a facsimile of the Section 5 objection letter from the U.S. Justice Department.

On December 20, 1991, Governor James G. Martin issued a proclamation calling for an extra session of the General Assembly to revise the redistricting plans and to postpone the filing period for candidates.

In response to the Governor's proclamation, the General Assembly convened its extra session on December 30, 1991 to delay candidate filing dates. See section 2C/27J of this submission. Representatives Milton F. Fitch (black Democrat), Ed Bowen (white Democrat), and Samuel Hunt (white Democrat) introduced House Bill 3, a blank bill (see Attachment 2C/27H-1) as a vehicle for potential changes to the enacted Congressional redistricting plan.

On the same day, Rep. David G. Balmer (white Republican) introduced four bills, House Bills 8, 9, 10, and 11, that were different approaches to congressional plans containing two minority districts, (See

Attachments 2C/27R-1(a) through (d) for those bills. Map/statistical packs are included with House Bills 8, 9, and 10. A map/statistical pack that describes House Bill 11 was included as Attachment C-27R-6 of the original Congressional submission.) One of Rep. Balmer's bills, House Bill 10, called "Congressional Balmer 8.1," contained one black district linking the black precincts of Piedmont urban areas along Interstate 85, and another mostly rural black district in Eastern North Carolina. Rep. Balmer never asked that any of the four plans be considered by redistricting committees during the 1991 Extra Session.

Before the General Assembly adjourned on December 30 to return January 13, 1992, the leaders of the Senate and House announced on the floors the schedule of redistricting meetings for the next week, and schedules of the meetings for each House was mailed to each House's members. On December 31, 1991, the staff of the Legislative Services Office mailed a notice of public hearing to be held on January 8, 1992, to approximately 400 newspapers, radio stations, and television stations throughout North Carolina and to minority citizens, minority groups, and other interested individuals. A copy of the notice was faxed to the Associated Press for release over its wire service. Copies of the notice were also provided to the North Carolina Association of County Commissioners and the North Carolina League of Municipalities. These organizations notified their constituent local governments of the public hearings. On January 2, 1992, the staff of the Legislative Services Office forwarded copies of the public hearing notice to all county managers and to all mayors for whom a current address was available. (See Attachment 2C/28F-1 for the committee notices mailed to members and the public notice of the hearing).

On January 8, 1992, the House Congressional Redistricting Committee and the Senate Redistricting Committee held a public hearing in the State Legislative Building to solicit comments from the public about the Congressional redistricting plan. A copy of the public hearing transcript is included as Attachment 2C/28F-2. Among those who spoke at the public hearing were Mary Peeler, State Director of the NAACP. Ms. Peeler offered a congressional plan that contained two black districts: one district containing mostly black areas in the urban Piedmont and another containing mostly black areas in rural Eastern North Carolina. This plan had initially been presented to the Committee Co-Chairs for their consideration by several North Carolina congressmen. The black districts in the NAACP plan were similar to those proposed by Rep. Balmer in House Bill 10. The black districts created by the NAACP plan were themselves the basis for the black districts in the newly enacted plan. See Attachment 2C/27R-2 for maps and reports describing Ms. Peeler's NAACP plan.

The House Congressional Redistricting Committee met January 9 and, without taking votes, discussed possible ways to approach the situation. The House Committee on that day heard a proposal from Rep. Larry Justus (white Republican) that he said would create two relatively compact minority districts. One of the two districts aggregated black and Lumbee voters as one minority. See Attachment 2C/27R-3. A Senate Congressional Redistricting Subcommittee meeting scheduled for that day was cancelled.

During the first two weeks of January, as the leaders of the House and Senate concentrated on legislative redistricting, legislative staff continued to work on congressional plans for the Senate and House

Committees and the Public Access computer was available for the development of Congressional redistricting plans. Once the House and Senate legislative plans were ratified on January 14, the two houses adjourned to reconvene January 22 to deal with the Congressional redistricting plan. The House and Senate plans were submitted to the U,S. Department of Justice or preclearance on January 19, 1992. See your file Nos. and

On the weekend of January 18-19, 1992, the leadership of the Senate and House redistricting committees released separate Senate and House plans to the members of each body and to the public. The House plan was 1992 CONGRESSIONAL BASE PLAN #7 (see Attachment 2C/27H-2). The Senate plan was 1992 CONGRESSIONAL BASE PLAN #8 (see Attachment 2C/27H-3). Each plan was a variation of Ms. Peeler's plan, with an urban and a rural black district. The urban black district was the same in each plan; the rural district had only a difference of 131 people in Wayne and Duplin counties.

The House Congressional Redistricting Committee met January 21. The members discussed Base #7, which they had received over the weekend, and heard Rep. David T. Flaherty Jr. (white Republican) present "REP. FLAHERTY'S CONGRESS PLAN," which contained two black districts and what he described as a minority-influence district which had concentrations of black people and Lumbee Indians. (See Attachment 2C/27R-4).

The House Congressional Redistricting Committee met the next day, January 22, Reps. Justus and Flaherty were recognized for further comments about their plans. Other members expressed interest in amending Base #7. Since the Co-Chairs said they themselves

intended to make changes to Base #7 and present it the next day for a vote in the Committee, it was decided to hold off amendments until the next day when the revised plan was available.

The Senate Congressional Redistricting Subcommittee met the same day, January 22. It was decided to postpone further Senate deliberations on Congressional redistricting until the House passed a Congressional plan.

The House Co-Chairs returned January 23 with 1992 Congressional. Base Plan #9 and presented it to the House Congressional Redistricting Committee as a version of House Bill 3. Base #9 contained a variety of changes to Base #7 that had been suggested by Committee members, (See Attachment 2C/27H-4), The Committee voted down amendments that would have substituted Rep. Flaherty's plan and Rep. Justus's plan (both as described above). The Committee also voted down an amendment by Rep. Michael Decker (white Republican) that had no effect on either majority-black district,

The Committee approved, however, an amendment offered by Rep. Walter B. Jones, Jr. (white Democrat) to take four precincts in Pitt County out of the 2nd District and place them in the 1st District (the Eastern black district). In compensation, three precincts in Edgecombe County would be moved into the 2nd. A much-debated effect of Rep. Jones' amendment would be to place his own residence and that of his father, incumbent Congressman Walter B. Jones, Sr., in the 1st District. (See Attachment 2C/27H-5). The previously submitted plan (Chapter 601) had included Congressman Jones in the proposed majority-black 1st District.' Another effect of State Rep. Jones's

amendment was to increase the minority percentage in the 1st District by about .25%.

The Committee gave a favorable report to Base #9 in the form of House Bill 3 with Rep. Jones' amendment, and voted to engross the amendment and bill into a Committee Substitute to present on the House floor. The computer name for the Committee Substitute was "1992 Congressional Base Plan #10" (see Attachment 2C/27A- I), All roll-call votes on House Bill 3 and its amendments in the Committee on January 23 are included with the transcript of the Committee meeting as Attachment 2C/28F-3(d).

On the House floor that same day, January 23, 1992, Reps. Flaherty and Justus offered the same amendments they offered in committee, and those amendments were defeated. All black and Native-American members of the House voted against the Flaherty amendment except the Speaker, who traditionally does not vote unless there is a tie. No black or Native-American member voted for Rep. Justus's amendment (four black members were recorded as not voting; the other 10 voted no). Rep. Marty Kimsey (white Republican) offered an amendment to submit the Congressional plan to an advisory panel if it were denied preclearance, but he withdrew his amendment when it was ruled out of order because it did not have a fiscal note. Rep. James P. Green Sr. (black Democrat) offered an amendment that would have reversed Rep. Jones's successful committee amendment concerning the Pitt and Edgecombe precincts and would have made a small change involving Warren and Halifax counties. (See Attachment 2C/27R-5). Rep. Green's amendment was defeated on a voice vote after being opposed by Rep. Milton F. Fitch (black Democrat), one of the Committee Co-Chairs.

After the amendments were defeated, the full House passed House Bill 3 on second reading. When no one objected to third reading, the House passed the bill on third reading the same day. All black and Native-American members of the House voted for the bill on second reading. Except for one black member not recorded as voting, the same held true for third reading. The roll-call votes on House Bill 3 and its amendments on the House floor are included as Attachment 2C/27H-6.

The Senate Redistricting Committee was assigned to consider House Bill 3 on January 24. After defeating an amendment offered by Sen. Leo Daughtry (white Republican) that was identical to Rep. Flaherty's Committee and floor amendments, the Committee gave the bill a favorable report.

The full Senate passed House Bill 3 on second and third readings on January 24, without amendment. The only roll-call vote on House Bill 3 on the Senate floor was the vote on second reading; that roll-call is included at Attachment 2C/27H-7. All five black Senators voted for House Bill 3 on the floor.

House Bill 3 was ratified the same day as Chapter 7 of the 1991 Extra Session.

All transcripts of House Committee meetings and House floor debates may be found at 2C/28F-3. All transcripts of Senate Committee meetings and Senate floor debates may be found at 2C/28F-4.

A chronology of the redistricting process is included at Attachment 2C/27H-8.

2C/271. Date of Adoption,

The General Assembly enacted Chapter 7 (House Bill 3) on January 24, 1992, and made the act effective

upon ratification, January 24, 1992, subject to preclearance under Section 5 of the Voting Rights Act.

2C/27J. Date on Which Change is to Take Effect.

The Congressional redistricting plan will take effect in the elections beginning in 1992. The General Statutes governing North Carolina's election schedule were included in the original House submission at H-27J. The election schedule was recently revised to delay the opening of candidate filing dates until February 10 so that preclearance may be obtained for new redistricting plans. Those amendments were submitted to the U.S. Department of Justice for preclearance, and in a letter dated January 3, 1992, no objections were made. Please see your File No. 91-4756. Chapter 1 of the 1991 Extra Session (Senate Bill 1) was included in the revised Senate submission, with a copy of a summary and primary schedule as Attachment 2S/27J.

2C/27K. Statement That Change Has Not Been Enforced or Administered.

The changes in the Congressional redistricting plan enacted in 1992 have not yet been enforced or administered.

2C/27L. Explanation of Scope.

Not applicable.

2C/27M. A Statement of Reasons for the Change.

On July 9, 1991, the North Carolina General Assembly ratified a new redistricting plan for Congressional seats based on the 1990 census. This plan was submitted to the Voting Section of the Civil Rights Division of the U.S. Department of Justice for preclearance under § 5 of the Voting Rights Act. See your File Nos. 91-2724 and 91-2847. On December 18, 1991,

the Attorney General objected to the Congressional redistricting plan expressing concerns about the absence of a second minority Congressional district. The new Congressional redistricting plan, Chapter 7, which is being submitted herewith, was enacted for the specific purpose of revising the original Congressional redistricting plan to address the objections raised by the Attorney General about that plan so that preclearance can be obtained and the 1992 elections can go forward.

2C/27N. Effect of Change on Minority Voters,

The effect of the adoption of Chapter 7 of the 1991 Session Laws, 1991 Extra Session (House Bill 3), on North Carolina's minority voters is to provide minorities with an opportunity to elect candidates of their choice. Two congressional districts, the 1st and 12th, are created in which blacks have an effective voting majority. See Part 2C/27C for statistics relating to these districts.

After evaluating the objection letter of December 18, 1991, which failed to preclear the previously enacted plan, the General Assembly examined alternative configurations before it which created two black districts. The newly enacted plan include two districts that are based in large part on the plan proposed by Mary Peeler of the NAACP at the Congressional Public hearing of January 8, 1992. That plan had an urban black district (the 12th) and a rural black district (the 1st). The urban/rural two district alignment had itself been originally proposed by Representative David Balmer (White Republican) in a letter to Mr. Dunne dated August 5, 1991, copy enclosed as Attachment 2C-27N-1.

The committee chairman examined the Mary Peeler/ NAACP proposal, which was put in our computer system as Plan 92 CONGRESS 1. In order to better assure that minorities had an effective black majority in the district, some alterations were made in that plan, which had black populations for the two districts of 56,05% and 56.13% respectively for Districts 1 and 12. Black concentrations in Gastonia and Winston-Salem were added to the 12th District, while black concentrations in Vance County and Duplin County were added to the 1st, along with a series of other minor changes to increase the black populations in the districts.

The proposal to have an urban black district (the 12th) and a rural black district (the 1st) recognizes commonalities of interest within each district. In the 12th District, 80% of the population lives within the corporate limits of cities with a population of 20,000 or over, while in the 1st district, 82% of the population lives outside the corporate limits of cities with a population of 20,000 or over.

The proposal recognizes substantial black populations in the southeastern area of the State, as suggested by the objection letter of December 18, 1991. The 1st District will include the heaviest black concentrations in Bladen, Columbus, Cumberland, Duplin, New Hanover, and Pender Counties.

The 1st District, which had already been approved by the Attorney General in the letter of December 18, 1991, has an even greater black concentration than before. The revised plan increases the black total census population from 55.69% to 57.26%, an increase of 1.57%. The black voting age population is increased from 52.18% to 53.40%, an increase of 1.22%. The total black voter registration is increased from 51.34% to

52.41%, an increase of 1.07%. The total estimated percentage of Democrats who are black is increased from 57.13% to 57.78%, an increase of 0.65%.

It is clear that in the 12th Congressional District, blacks constitute an effective black voting majority. 54.71 % of the registered voters are black, and Harvey Gantt received 7.1.47% of the vote in the 1990 general election for the United States Senate in that district. Of the registered Democrats, an estimated 67.10% are black. The district includes the well organized black communities of Charlotte, High Point, Greensboro, Winston-Salem, and Durham. Total black census population is 56.63%, and total Black YAP is 53.34%,

The newly proposed plan also improves upon another district in the plan enacted in July. In our response to the ACLU comment and in our response to your request for additional information, we discussed the lack of polarized voting in the 4th Congressional District. In the newly revised plan, the Black population has been increased in that district from 19.65% to 20.13% by removing Johnston County from the district and adding the remainder of Chatham County to the district. In the revised 4th District, Gantt received 58.69% of the vote in the general election. More significantly, in the 1st and 2nd primaries in the proposed 4th District, Gantt received significant majorities. In the 2nd primary, Gantt received 31,103 votes to 14,582 for Easley, 68.08% of the total. In the 1st primary, Gantt received 50.31% of the vote against five opponents in the proposed 4th Congressional District, well above the 40% threshold necessary to achieve victory in a primary under State law. As noted in debate on the Senate floor by Senator Howard Lee (Black Democrat), who was elected from a predominantly white Senate district, and has been a candidate in two

unsuccessful Congressional campaigns: "Well, I live in the Fourth Congressional District, which is made up of Orange, Wake, and Chatham Counties . . . Now I don't expect my Congressman to retire any time soon. But, should he decide not to ever seek reelection, I can tick off five [black] people, in my opinion, who could be elected in this district. So, I hope that we will see the fact that in this new plan, the Fourth District in my opinion, has been made a much better district and in the long run offers an equal opportunity for another person who may be minority to run and get elected in this District." (Attachment 28F-4(d), Senate floor debate of January 24, 1992, transcript pages 19-20)

The proposed plan also provides three other districts, the 2nd, 3rd, and 8th, where blacks will have significant influence by having more than 20% of the population.

2C/270. Litigation.

Past litigation relating to the redistricting of North Carolina Congressional seats was described in the original Congressional submission at C-27-0. Although a lawsuit was filed in federal district court asserting constitutional and Voting Rights Act claims relating to the 1981 and 1991 redistricting plans, that lawsuit was recently amended by plaintiffs (three white Republican incumbents) to delete their challenges to the redistricting plans and their request for a three-judge court, The sole remaining claim is a challenge to the State's one-year residency requirement for State Legislators under the due process and equal protection clauses of the United States Constitution. *N. Leo Daughtry, et al. v. The State Board of Elections of North Carolina, et al.*, (2:9ICV 00552 MDNC).

2C/27P. Preclearance of Prior Plan.

See the explanation and materials contained in the original Congressional submission at C-27P.

2C/27Q. Information Required for Redistricting Submittals.

Items required for redistricting and listed under § 51.28(a)(1) and (b)(1) are located under Tabs 2C/28A and 2C/28B.

2C/27R Other material concerning the purpose or effect of Chapter 7.

1992 CONGRESSIONAL BASE PLAN #10 is based in large part on the plan presented by Mary Peeler of the NAACP at the public hearing held on January 8, 1992. Modifications were made to that proposal to make each of the two black districts more homogeneous and to increase their black populations. Specifically, rural Vance, Caswell. Person and Granville Counties were removed from District 12, and the urban portions of Forsyth and Gaston Counties were substituted. This had the effect of leaving the 12th District somewhat more compact and more urban in character. As the 12th District is currently configured, 80% of its population lives in cities of 20,000 or more. These changes had the effect of increasing the black population of the district as proposed by the Peeler proposal from 56.13% black to 56.63% black. Given that 54.71% of the district's registered voters are black and an estimated 67.1% of the registered Democrats are black, this district, as modified from the one Ms. Peeler initially proposed, plainly has an effective black voting majority.

The major modification to the 1st District as Ms. Peeler proposed it was to add majority black portions

of Vance County to it. By removing portions of the district with higher white percentages, the chairmen were able to boost the black population in that district from 56.05% black to 57.26% black. This district is now a predominantly rural district with 82% of its population living outside cities of 20,000 or more. As noted in part 27N above, the black population of the 1st District has been increased from 55.69% in the plan previously approved in the December 18, 1991 letter from the Attorney General, to 57.26% black in the enacted plan. Black voter registration has been increased from 51.34 % to 52.41%.

No minority citizen suggested to either Congressional redistricting committee or to their chairmen that either of these districts lacked an effective black voting majority.

A handful of alternative plans were presented either in the House or Senate Committees, as floor amendments, or at the public hearing that had two majority black districts or two majority Native American plus black districts.

In some plans the second minority district relied on cohesiveness between black and Native American voters. See, for example the Justus proposal, Attachment 2C/27R-3, made to the House Committee and the plan Vann Ellison presented at the public hearing, included in Attachment 2C/28F-2 public hearing transcript. It is at best unclear whether those districts meet the *Thornburg v. Gingles* threshold test of being majority minority in voting age population, since the voting records produced with the State's submission of Chapter 601 do not demonstrate that the two group regularly vote for the same candidates. It is noteworthy that Mary Peeler of the NAACP specifically requested at the public hearing that the legislature

not rely on black and Native American cohesiveness in creating a second minority district, See attachment 2C/28F-2 at page 39, The enacted plan removes any doubt by creating two districts which are majority black in voting age population and voter registration without any reliance on Native American voters.

A few alternate plans were presented which had two majority black districts, namely the Kimbrough plan (presented at the public hearing, transcript in Attachment 2C/28F-2, the Flaherty plan, Attachment 2C/27R-4, the Peeler plan, Attachment 2C/27R-2 and two of the Balmer plans, Attachments 2C/27R-1(c) and (d) None of these had significantly higher black voter registration or voting age populations in the minority districts than does the enacted plan, except possibly Balmer Plan 8.1, See Attachment 2C/27R-1(c). It has an eastern black district that is 58.47% black total population, Representative Balmer accomplished this by including in his majority black district black voters from Wake County. This approach has two disadvantages. First, it combines a very urban population with a predominantly rural remainder of the district. Second, it removes Wake County voters from the 4th District, an area in which racially polarized voting is low, and in which black voters already enjoy a substantial opportunity to elect public officials of their choice. See further discussion of the 4th District in 2C/27N of this submittal. It is noteworthy that Representative Balmer did not seek to have this plan presented to either the House or Senate Redistricting Committee in either the Regular or Extra Session, nor did he offer it as a floor amendment. It had no known black support. None of these plans give black voters a materially better opportunity to elect Congressmen of their choice than does the enacted plan.

Representative Green offered a floor amendment which would have moved four precincts in Pitt County, including the one in which Congressman Walter Jones resides, from District 1 to District 2 and would have moved a like number of people in Edgecombe County from the District 2 to District I. See Attachment 2C/27R-5. This amendment was opposed by Representative Fitch and was defeated in the House by a voice vote. The effect of the amendment would have been to lower the black population in District 1 by .25% and would have placed Pitt County into three different congressional districts. There was significant sentiment in the House and in the Senate that it was better to have Pitt County in only two districts, especially since further division of it did not increase black percentages. In addition, Congressman Jones, who resides in the minority district which Mr. Dunne approved in his December 18, 1991 letter, has said that he does not intend to run for reelection.

It was pointed out that since there is no residency requirement for congressional candidates, if he changes his mind, he can run again without regard to which district his home precinct is in.

Representative Flaherty's plan, Attachment 2C/27R-4, purports to create two black districts and what he terms an additional "minority influence district." Under current case law, the Voting Rights Act does not require legislative bodies to connect together minority populations into "influence districts," *See Gingles v. Edmisten*, 590 F. Supp. 345, 381 (E.D.N.C. 1984) (three judge court); *Hastert v. State Board of Elections*, 777 F. Supp. 634, 651-4 (N.D.111, 1991); *Turner v. Arkansas*, R-C-91-295 at pp. 32-40 (E. D. Ark. 1991).

In the case of the State's revised submittal, Chapter 7, it was the judgment of the legislature, including the

black Speaker of the House and the black Chairman of the House Congressional Redistricting Committee, that black influence was greatest with, in addition to two majority black seats, the black population being greater than 20% in four districts (numbers 2, 3, 4. and 8). This was viewed by blacks as better than having 41.33% of one district and 20% of only one other district as in the Flaherty Congressional Plan, Attachment 2C/27R-4.

It is patently clear that Chapter 7 has an enhancing and not a retrogressive effect. It is also clear that its overriding purpose was to comply with the dictates of the Attorney General's December 18, 1991 letter and to create two congressional districts with effective black voting majorities.

2C/28A. Demographic Information.

(ALL ATTACHMENTS REFERENCED BELOW IN PARAGRAPHS I THROUGH 5 REFER TO ATTACHMENTS CONTAINED IN THE ORIGINAL HOUSE SUBMISSION.)

1. The total and voting age population of the affected area before and after the change, by race and language group, is contained: (i) in the 1990 Census of Population and Housing, P.L. 94-171 Counts, for the 1990 Census, and (ii) in the 1980 Census of Population and Housing for the 1980 Census, and with additional precinct information for 1980 and 1990 as noted in paragraph 3.

2. The number of registered voters for the affected area by voting precinct before and after the change by race and language group is contained in hard copy as Attachment 28A-1 for the 69 counties for which precinct information was used

in the plans. That attachment contains county voter registration totals for the other 31 counties. A computer tape of the same information appears as part of Attachment 27A-4 to the original House submission. The 31 counties for which voter registration information is by county and not precinct are: Alexander, Alleghany, Ashe, Avery, Beaufort, Bladen, Brunswick, Carteret, Cerokee, Clay, Columbus, Currituck, Dare, Davie, Graham, Haywood, Hyde, Jackson, McDowell, Macon, Madison, Montgomery, Moore. Pamlico, Polk, Rutherford, Stanly, Stokes, Swain, Transylvania, and Watauga.

3. In developing data for redistricting, no estimates of population were used, but legislative staff assembled block data into precincts for 21 counties where the census bureau had not done so, and revised precinct totals for Wake, Mecklenburg, and Guilford Counties to reflect changes in precinct boundaries. The 21 counties are Anson, Bertie, Camden, Caswell, Franklin, Gates, Greene, Hertford, Hoke, Lee, Lincoln, Martin, Mitchell, Northampton, Pasquotank, Perquimans, Person, Tyrrell, Vance, Warren, and Yadkin Counties. The new and revised precinct totals for those 24 counties were used in adoption of the redistricting plan. Those new and revised totals appear as Attachment 28A-2. The new and revised totals are also contained in the computer tapes which are part of Attachment 27A-

4. In 1980, the Census Bureau reported under PL94-171 precinct census populations only for Wake, Forsyth, and Guilford Counties, and a portion of Orange County. This information was

not used in the 1981 redistricting plans which were rejected under Section 5, as the plans did not divide counties. From 1982 through 1984, as a result of court orders in the Gingles case and objections under Section 5, precinct voter registration information was assembled up from the block level in Durham. Mecklenburg, and Cumberland Counties, and revised in Wake, Guilford, and Forsyth Counties to reflect changes in precinct boundaries.

5. For the 1990 census, the State of North Carolina and the Census Bureau cooperated under PL94-171 to produce information for 48 counties. Those consisted of all counties with a 1980 population of 55,000 and over, and a few other counties that volunteered for the program. There was an understanding that legislative staff would assemble block data into precincts for other counties as needed as redistricting approached. Staff in early 1991 assembled that information for the 21 additional counties mentioned above. In the cases of Bertie, Caswell, Franklin, Greene, Hertford, Lee, Lincoln, Martin, Northampton, Pasquotank, Perquimans, Person, Vance, and Warren Counties, it was found that some precinct boundaries divided census blocks. Using the same methodology that was used in 1982 and 1984, when it was found that precincts in Wake and Durham Counties did not follow block boundaries, housing counts were made of these blocks split by precinct boundaries, and the populations of those blocks split in proportion to the number of housing units in each part of the block. In 1991, when these blocks were divided, the blocks were given a new suffix, such as block 204 becoming Block 204Y and 204Z. The totals

for blocks 204Y and 204Z equal the total for block 204, so no estimates of total population are made. only estimates of divisions of the populations within individual blocks. Suffixes began at the end of the alphabet, e.g. S through Z, since none of these suffixes were used by the census bureau. Additionally, in order to show the correct populations of the current districts, where the 1982 and 1984 precinct boundaries used in the current plans did not follow 1990 block boundaries, similar housing unit counts were made and blocks split in Guilford, Mecklenburg, Wake, Randolph, Cumberland, Nash, Wilson, Forsyth, and New Hanover counties. These split blocks did not divide 1990 precincts, however, and therefore the whole precinct was used in the 1991 Plans. The housing unit counts made in 1991 appear as Attachment 28A-3. Housing counts in 1991 were made by City and County Planning Departments.

2C/28B. Maps.

1. Maps of the prior districts were included at C-27B of the original Congressional submission, with a large map appearing at Attachment C-28B.

2. Maps of the new districts are included as Attachment 2C/27A-1. A large map is included as Attachment 2C/28B-1.

2C/28C. Annexation Information.

Not applicable.

2C/28D. Election Returns.

Election return information was provided with the original Congressional submission at C-28D and in the supplemental material sent November 5, 1991 and at several times during November and December 1991.

2C/28E. Language Usage.

Not applicable.

2C/28F. Publicity and Participation.

1. Copies of public notices and committee schedules are included as Attachment 2C/28F-1.
2. A copy of the transcript of the Joint House-Senate public hearing on Congressional redistricting held in Raleigh January 8, 1992, is included as Attachment 2C/28F-2.
3. Copies of the Minutes of the House Congressional Redistricting Committee and House Floor Debates relevant to House Bill 3 are included as follows:
   a. House Congressional Redistricting Committee meeting - January 9, 1992. Attachment 2C/28F-3(a).
   b. House Congressional Redistricting Committee meeting - January 21, 1992. Attachment 2C/28F-3(b).
   c. House Congressional Redistricting Committee meeting - January 22, 1992. Attachment 2C/28F-3(c).
   d. House Congressional Redistricting Committee meeting - January 23, 1992. Attachment 2C/28F-3(d).

e. House floor debate - January 23, 1992. Attachment 2C/28F-3(e),

4. Copies of the minutes of the Senate Congressional Redistricting Subcommittee and Senate Redistricting Committee and transcript of Senate floor debate relevant to House Bill 3 are included as follows:

   a. Senate Congressional Redistricting Subcommittee meeting - January 22, 1992, Attachment 2C/28F-4(a).

   b. Senate Redistricting Committee meeting - January 24, 1992. Attachment 2C/28F-4(b).

   c. Senate floor debate - January 24, 1992. Attachment 2C/28F4(c).

5. A copy of the revised policy expanding the hours for public access to the computer system is contained in the revised House and Senate submissions at 2H/28F-5 and 2S/28F-5.

2C/280. Availability of Submission.

A public notice will be published announcing the submission to the United States Attorney General of the materials required by 28 CFR Part 51, informing the public that a complete duplicate copy of the submission is available for public inspection at the Legislative Office Building, Raleigh, North Carolina, and inviting comments to be addressed to the United States Attorney General.

2C/28H. Minority Group Contacts.

Please see original House submission at H-28H.

STATE BOARD OF ELECTIONS

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April 9, 1997

Elizabeth Johnson
Chief, Voting Section
Civil Rights Division
United States Department Of Justice
P.O. Box 66128
Washington, DC 20035-6128

Re: Section 5 Submission; North Carolina's New Congressional Redistricting Plan: 1997 N.C. Session Laws, Chapter 11

Dear Ms. Johnson:

On March 31, 1997, the North Carolina General Assembly enacted a new congressional redistricting plan Chapter 11, 1997 Session Laws, to remedy the constitutional defects identified in our former plan by the United States Supreme Court in *Shaw v. Hunt.* Pursuant to N.C. Gen. Start. § 120-30.9B, I am submitting that plan to you for preclearance under Section 5 of the Voting Rights Act.

We have endeavored to compile a full submission responsive to all parts of your regulations. If you need clarification of any part of the submission or if you

need any additional information, please contact Linwood Jones with the Research Division in the General Assembly's Office of Legislative Services. Mr. Jones will coordinate the State's response to such requests. For your convenience, his phone number is 919-733-2578, his fax number is 919-715-5460 and his e-mail address is linwoodj@ms.ncga.state.ne.us.

Let me thank you in advance for your effort and the efforts of your staff in promptly preclearing the new plan.

Sincerely,

/s/ Gary O. Bartlett

Gary 0. Bartlett
Executive Secretary-Director
State Board of Elections

Information Supporting North Carolina's
Section 5 Submission for its
1997 Congressional Redistricting Plan

The following information is submitted by North Carolina in support of its request to preclear the State's new congressional redistricting plan enacted by the General Assembly on March 31, 1997. The numbered paragraphs correspond to the numbers of the rules of the Department of Justice, 28 C.F.R. §§ 51.27 and 51.28. In most cases, information documenting the information in numbered paragraphs is contained in an attachment bearing a corresponding number. *(e.g.* Paragraph 97C-27A is documented by Attachment 97C-27A).

¶97C-27A. 1997 Enactment of Congressional
Redistricting Plan

1. On March 31, 1997. the North Carolina General Assembly enacted a new congressional redistricting

plan to remedy the constitutional defects in the State's former plan identified by the United States Supreme Court in *Shaw v. Hunt*, 116 S. Ct. 1894 (1996). The new plan, known as 97 House/Senate Plan A, is contained in Section 2 of Chapter 11 of the General Assembly's 1997 Session Laws. A copy of this legislation is included in Attachment 97C-27A-1.

Chapter 11 contains two plans. 97 House/Senate Plan A and 97 House/Senate Plan A0. Plan A appears in Section 2 of Chapter 1. Plan A0 appears in Section 3 of Chapter 11. Plan A and Plan A0 are essentially identical except that Plan A has an overall population range from -544 to +947 for a total deviation of .27%. Plan A0 has an overall population range from 0 to +1 for a total deviation of .00%. Only Plan A is submitted for preclearance. Plan A0 would become effective only in the event Plan A is declared unconstitutional on one-person, one-vote grounds. For a discussion of the differences between Plan A and Plan A0, *see* the March 26, 1997, memorandum to the Senate Select Committee on Congressional Redistricting and the House Committee on Congressional Redistricting included in Attachment 97C-27A-2.

2. Maps, including two large color maps, population data, voter registration data and certain election results for Plan A are included in Attachment 97C-27A-3. This Attachment also includes the same information for Plan AO.

3. A diskette containing the Chapter 11 plan is included as Attachment 97C-27A-4.

4. Access to the computer tape is available to the public by contacting Don Fulford, Director of the Legislative Information Systems Division, 400 Legislative Office Building, 300 North Salisbury Street, Raleigh, North Carolina 29603-5925. Tele-

phone (919) 733-6834. Technical questions should be addressed to Mr. Dan Frey of the Legislative Information Systems Division at the same address and phone number.

¶97C-27B. Prior Redistricting Plans

The redistricting plan in effect for North Carolina's congressional elections between 1992 and 1996 is attached as Attachment 97C-27B.

¶97C-27C. Documents Explaining the 1997 Changes to the Congressional Redistricting Plan

1. Chapter 11 of the 1997 Session Laws repeals the last valid plan in effect – the plan that was completed in 1982. The strike-throughs in the text of Chapter 11 therefore show changes from the 1984 plan, not from the current plan.

2. A chart showing the minority percentage of total population and voting age population in each district in the 1992 plan, and the 1997 plan is attached as Attachment 97C-27C1. Also included in the chart are minority voter registration percentages for each district in the 1992 and 1997 plans. (Note: North Carolina had 11 congressional districts in the 1980s).

3. The changes are also discussed in other sections of this document, particularly ¶¶97C-27H and 97C-27N.

¶97C-27D. Persons making the submission are:

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¶97C-27E. Submitting Authority

The submitting authority is the Executive Secretary-Director for the State Board of Elections for the State of North Carolina.

¶97C-27F. Submitting Body

Not applicable.

¶97C-27G. Enacting Body

The congressional redistricting plan is an act of the State legislature the North Carolina General Assembly.

¶97C-27H. Authority and Process for Redistricting

The North Carolina General Assembly is authorized by 2 U.S.C. §2a and §2c and Article I. §§2 and 4 of the United States Constitution to redistrict its

congressional districts. The prior redistricting plan was enacted by the General Assembly on January 24, 1992, and was precleared under Section 5 of the Voting Rights Act on February 6, 1992, The United States Supreme Court declared District 12 in this plan unconstitutional in *Shaw v. Hunt* on June 13, 1996. On remand, the three-judge panel in the *Shaw* case issued an order on July 30, 1996, permitting the use of the unconstitutional plan for the 1996 elections and giving the General Assembly until April 1, 1997, to draw a new plan. Chapter 11 was enacted in response to that order. A copy of the court order is attached as Attachment 97C-27P-2.

The process leading to the enactment of Chapter 11 began in the North Carolina House of Representatives in June, 1996. The following is a chronology of events leading up to the enactment of the plan. The designation "AA" after a name indicates that the individual is an African-American. The designation "NA" after a name indicates that the individual is a Native American:

June 13, 1996: United States Supreme Court declares District 12 unconstitutional in *Shaw v. Hunt*.

June 14, 1996: House Speaker Harold Brubaker appointed a House Select committee on Congressional Redistricting. The committee was chaired by Representative Robert Grady. The other members were as follows: Representatives Carolyn Russell, Lyons Gray, Frances Cummings (AA), George Holmes, Julia Howard, Theresa Esposito, Ed McMahan, Richard Morgan, Mary McAllister (AA), Jim Crawford, and Linwood Mercer. This Committee never met.

July 8, 1996: Senator Marc Basnight, President Pro Tempore of the North Carolina Senate, appointed a Select Committee on Redistricting. The Committee

was chaired by Senator Roy Cooper. The following were also appointed as members of the Committee: Senators Charles Albertson, Frank Ballance (AA), Patrick Ballantine, Betsy Cochrane, Richard Corder, Jim Forrester, Will Gulley, David Hoyle, Don Kincaid, Bob Martin, Bill Martin (AA), Tony Rand, R.C. Soles, and Leslie Winner.

July 10, 1996: The Senate Select Committee on Redistricting met to discuss the *Shaw* decision and the feasibility of adopting new congressional districts in time for the 1996 general election. The Committee heard from Mr. Gary Bartlett, Executive Director of the North Carolina State Board of Elections, on the requirements for a shortened filing and primary election schedule. Senator Cooper wrote a letter to North Carolina Attorney General Michael Easley outlining the Senate's position and requesting that Attorney General Easley inform the three-judge federal panel that it was impracticable to adopt new congressional districts in time for the 1996 general election. The letter is attached as Attachment 97C-28F-4B(2).

July 17, 1996: The House Committee on Rules, Calendar, and Operations of the House released a redistricting plan (Congress-96-001) to the public. The plan is attached as Attachment 97C-27R1. The House Committee on Rules, Calendar, and Operations of the House was chaired by Representative Richard Morgan. Its other members were as follows: Representatives Arlene Pulley, Jim Crawford, Jim Black, Joanne Bowie, Jerry Dockham, Theresa Esposito, Ed McMahan, Chuck Neely, and George Robinson. The redistricting plan was submitted by Representative Morgan to the Committee for its review, with instructions that the plan would not be voted on at that meeting. Representative Morgan read

a statement to the Committee about the plan that is attached as Attachment 97C-28F-4A and announced that there would be a public hearing the following week on redistricting.

July 19, 1996: The three judge panel issued an order asking for the opinions of Speaker Brubaker and Senate President Pro Tempore Basnight on the likelihood that the General Assembly would be able to draw a plan in time for the 1996 elections. The House was at the time and remains under the control of Republicans. The Senate was at that time and remains under the control of Democrats. The North Carolina congressional delegation, elected in 1994, was divided as follows: 8 Republicans and 4 Democrats. Senator Cooper, acting on behalf of Senate President Pro Tempore Basnight, submitted an affidavit to the Attorney General that was filed with the Court. Senator Cooper stated in his affidavit that a new plan could not reasonably be enacted for the 1996 elections. Representative Morgan, acting on behalf of House Speaker Harold Brubaker, submitted an affidavit to the Attorney General that was filed with the Court. Representative Morgan stated in his affidavit that it would be practical to redraw legislative districts in time for the 1996 elections. Senator Cooper's and Representative Morgan's affidavits are attached as Attachments 97C-28F-4B(2) and 97C-28F-4B(1), respectively.

July 24, 1996: The House Committee on Rules, Calendar, and Operations of the House conducted a public hearing in Raleigh on July 24, 1996, to hear the views of interested parties on redistricting generally and on the plan released by the Committee the week before. A copy of the notice of this public hearing, which was published in legal ads throughout the State, distributed to the media through the media

service "Xpedite," and mailed to a list of minority contacts is attached as Attachment 97C-28F-2A. The list of the media organizations contacted by Xpedite is attached as Attachment 97C-28F-4J. The list of minority contacts is attached as Attachment 97C-28H. The transcript of the hearing and sign-in sheets are attached as Attachment 97C-28F-3A. This Attachment includes exhibits submitted by the speakers at the public hearing.

July 30, 1996: The three judge panel issued an order allowing the 1996 elections to proceed under the unconstitutional plan and giving the North Carolina General Assembly until April 1, 1997, to submit a revised congressional redistricting plan to the court for its approval. The order is attached as Attachment 97C-27H-1. The General Assembly adjourned its 1999-96 session on August 3, 1996.

January 29, 1997: The North Carolina General Assembly convened its 1997-98 session on January 29, 1997. Speaker Harold Brubaker appointed a new House Committee on Congressional Redistricting. The Committee was chaired by Representative Ed McMahan. The following were named as members of the Committee: Representatives Dewey Hill, Gene Arnold, Cherie Berry, Dan Blue (AA), Joanne Bowie. Walter Church, Jim Crawford, Arlie Culp, Don Davis, Theresa Esposito, Toby Fitch (AA), Robert Grady, Lyons Gray, Thomas Hardaway (AA). George Holmes, Robert Hunter, Larry Justus, Joe Kiser, Mary McAllister (AA), Richard Morgan, Warren Oldham (AA), Carolyn Russell, Edgar Starnes, and Ronnie Sutton (NA).

Senator Basnight reauthorized the Senate Select Committee on Redistricting. The same members appointed to the first committee were appointed to this

committee (*See* July 8, 1996 entry for the names). Senator Hugh Webster was also added as a member.

February 12, 1997: The House Committee on Congressional Redistricting held its initial meeting, at which time Mr. Edwin M. Speas, Senior Deputy Attorney General, briefed the Committee on the *Shaw* litigation. Mr. Speas and Linwood Jones, Committee Counsel, answered questions of the Committee members. The transcript of this meeting is contained in Attachment 97C-28F-4E(1).

February 20, 1997: The Senate Select Committee on Redistricting met and Senator Cooper presented a congressional redistricting plan (1997 Congressional Plan A) to the Committee. This plan is attached as Attachment 97C-27R-2. Senator Cooper announced that no vote would be taken on the plan so that the public could comment on the plan at the public hearing scheduled for the following week. The transcript of that meeting is attached as Attachment 97C-28F-4D(2).

February 25, 1997: The House Committee on Congressional Redistricting met. Representative McMahan presented a plan to the Committee that had been drawn in response to the Senate plan. This plan, 1997 House Congressional Plan A.1, is attached as Attachment 97C-27R-3. Representative McMahan announced that no vote would be taken on the plan so that the public could comment on the plan at the public hearing scheduled for the following week. The transcript of that meeting is contained in Attachment 97C-28F-4E(2).

February 26, 1997: The joint public hearing was held in the Legislative Auditorium in Raleigh on February 26, 1997. The transcript of the public hearing and the sign-in sheets are attached as

Attachment 97C-28F-3B. Exhibits submitted by the speakers at the public hearing are included as Attachment 97C-28F-3B Ex, *See* July 24, 1996 entry for the distribution of the notice of the hearing.

February 27 - March 18, 1997: Senator Cooper and Representative McMahan met to attempt to resolve the differences between the House version of the plan and the Senate version of the plan and submitted numerous maps to each other during a four-week period of negotiations. During most of the negotiation period, the primary point of contention was how Wake County would be divided between proposed Districts 2 and 4. With one exception, none of these plans containing offers and counter-offers were released to the committees or made public. The exception is 97 House Congressional Plan G, discussed below. However, all of these plans are discussed in 97C-27R and are included in Attachment 97C-27R-12.

Senator Cooper and Representative McMahan were uncertain if they could resolve their differences regarding Wake County before the Court's April 1 deadline. They each called for meetings of their respective committees to take up their own plans. Senator Cooper introduced Senate Bill 433, containing 1997 Congressional Plan A, the same plan Senator Cooper had presented to the Committee weeks earlier. The bill was referred to the Senate Select Committee on Redistricting.

March 19, 1997: The Senate Select Committee on Redistricting met. Senator Cooper presented Senate Bill 433, containing 1997 Congressional Plan A. *See* Attachment 97C-27R-2. Senator Betsy Cochrane presented an amendment that would substitute her plan, "Congress Cochrane," for the plan offered by Senator Cooper. Senator Cochrane's plan is attached as Attachment 97C-27R-11. The Committee approved

the plan presented by Senator Cooper. The transcript of this meeting is attached as Attachment 97C-28F-4D(3).

The House Committee on Congressional Redistricting also met on March 19, 1997. Representative McMahan presented a new plan to the Committee: 97 House Congress Plan G. *See* Attachment 97C-27R-4. Plan G was one of the more recent compromise proposals from Representative McMahan to Senator Cooper. Because House rules allow House committees to introduce bills, the passage of Plan G from committee in effect constituted approval to file a bill for introduction containing Plan G. The transcript of this committee meeting is attached as Attachment 97C-28F-4E(3).

March 24, 1997: Representative McMahan filed the bill containing Plan G on behalf of the Committee. The bill was given a number – House Bill 586 – and was referred back to the House Committee on Congressional Redistricting. Afterwards, Senator Cooper and Representative McMahan announced to their committees that negotiations would continue and that they still thought the differences could be resolved before the deadline. Senator Cooper and Representative McMahan agreed on a plan that they would each submit to their respective committees and chambers.

March 25, 1997: The plan agreed to, 97 HOUSE/SENATE PLAN (and its contingent backup plan, 97 HOUSE/SENATE PLAN 0), was presented to the House Congressional Redistricting Committee. Representative Dan Blue offered an alternative plan for the purpose of changing the proposed District 4 back to approximately its current location. The amendment was defeated by the Committee. Representative Ronnie Sutton (Native American)

offered an amendment involving Robeson and Cumberland Counties that was also defeated by the Committee because he did not have statistical data showing the effect of his amendment on the population of the districts at that time. The Committee passed 97 HOUSE/SENATE PLAN as a proposed committee substitute for House Bill 586. The transcript of this meeting is attached as Attachment 97C-28F-4E(4).

March 26, 1997: House Bill 586 was reported to the House floor and was calendared for debate. Representative McMahan presented an overview of the plan to the House. Representative Ronnie Sutton offered an amendment to move a predominantly Native American precinct in Robeson County from District 8 to District 7, where nearly all of the other predominantly Native American precincts were located. Representative McMahan had already announced in earlier remarks that he and Senator Cooper supported the Sutton amendment. The amendment passed by a vote of 117-0. Representative Mickey Michaux of Durham offered three successive amendments. These amendments represented, respectively, plans known as Fitch Michaux Plan A, Fitch/Michaux Plan B, and Fitch/Michaux Plan C. These amendments are discussed in more detail at 97C-27R and they are attached as Attachments 97C-27R-8, -9, and -10.

The committee substitute for House Bill 586 was passed, with the Sutton amendment, by a vote of 87 to 30. Of the 18 members of the House who are minorities, 5 African-American members and 1 Native American member voted for the bill and 12 African-American members voted against it. The bill was sent to the Senate. A transcript of the House floor debate is attached as Attachment 97C-28F-4F(1). (The House does not record its debates. The transcript was

prepared from a recording of the entire floor debate by the University of North Carolina Public Television). The relevant portions of the House Journal are included as Attachment 97C-28F-4G(1). The record of the votes is attached as Attachment 97C-28F-4H.

March 27, 1997: The Senate Select Committee on Redistricting met to discuss House Bill 586 as it came from the House. The Committee voted for the bill. No amendments were offered during the committee meeting. *See* Attachment 97C-28F-4D(4) for the transcript of this meeting.

The bill was considered on the floor of the Senate the same afternoon. Senator Cochrane presented an amendment containing the same plan that she had presented and that had been defeated in the Senate Committee. (*See* entry above under March 19, 1997). The amendment was defeated on the floor by a vote of 27 to 18. No other amendments were offered to House Bill 586. The bill passed by a vote of 32 to 14. All 7 African-American Senators voted for the bill. A transcript of the Senate floor debate is attached as Attachment 97C-28F-4F. The relevant portions of the Senate Journal are included as Attachment 97C-28F-4G(2). The record of the vote is attached as Attachment 97C-28F-4H.

March 31, 1997: House Bill 586 was ratified as Chapter 11 of the 1997 Session Laws.

April 1, 1997: The Attorney General filed the redistricting plan with the three-judge panel. The Attorney General also filed a motion requesting that the court delay ruling on the plan until the State had received a response from the United States Department of Justice under Section 5 of the Voting Rights Act. The Court was informed in this motion

that the State would seek expedited consideration of this preclearance request.

¶97C-271. Adoption Date

The enactment of the congressional redistricting plan. Chapter 11 of the 1997 Session Laws (House Bill 586), was effective when ratified on March 31, 1997.

¶197C-27J. Implementation Date

The congressional redistricting plan will take effect in the elections beginning in 1998. The times for the holding of primary and regular elections are contained in N.C. GEN. STAT. §163-1. The time for filing notice of candidacy is contained in N.C. GEN. STAT. §163-106. Copies of these statutes are included as Attachments 97C-271-1 and 97C-27J-2.

¶97C-27K. Enforcement

The changes in the congressional redistricting plan enacted March 31, 1997, have not yet been enforced or administered. The plan has now been submitted to the three-judge panel for approval in accordance with its July 30, 1996 Order *(see* ¶97C-27M below).

¶97C-27L. Scope

Not applicable.

¶97C-27M. Reason for Change

North Carolina's twelve congressional districts were redrawn to remedy a redistricting plan containing a district (District 12) that was declared unconstitutional by the United States Supreme Court in *Shaw v. Hunt.*

¶97C-27N. Effect of Change on Minority Voters

The General Assembly's primary goal in redrawing the plan was to remedy the constitutional defects in the former plan. Those defects were the

predominance of race in the location and shape of District 12, and perhaps in the location and shape of District 1, and a failure of narrow tailoring. This goal was accomplished by emphasizing the following factors in locating and shaping the new districts: (1) avoidance of the division of counties and precincts; (2) avoidance of long narrow corridors connecting concentrations of minority citizens; (3) geographic compactness; (4) functional compactness (grouping together citizens of like interests and needs); and (5) ease of communication among voters and their representatives. Emphasis on these factors accomplished this goal. For example: (1) the unconstitutional plan divided 44 counties while the new plan divides only 22 counties; (2) the unconstitutional plan divided 6 counties among 3 districts while the new plan does not divide any county among 3 districts; (3) the unconstitutional plan divided 80 precincts while the new plan only divides 2 precincts; (4) the unconstitutional plan used "cross-overs," "double cross-overs" and "points of contiguity" to create contiguous districts while the new plan uses none of these devices; (5) District 12 in the unconstitutional plan was 191 miles long (in "traveling distance") while District 12 in the new plan is only 102 miles long; and (6) District 1 in the unconstitutional plan was 225 miles long while District 1 in the new plan is only 171 miles long. In addition, the new plan makes new District 12 a highly urban district by joining together citizens in the City of Charlotte and the cities of the Piedmont Triad (Greensboro, Winston-Salem and High Point). Conversely, new District 1 is a distinctively rural district formed from the largely agrarian and economically depressed northeastern counties.

The General Assembly's other primary goal was to preserve the 6-6 partisan balance in the State's

current congressional delegation. This balance reflects the existing balance between Democrats and Republicans in the State. The State House of Representatives is presently controlled by Republicans; the State Senate is presently controlled by Democrats; and most statewide elections are decided by narrow margins. It was clear from the beginning that the only plan the Senate and House would be able to agree on was one that preserved the existing 6-6 balance in the congressional delegation. At the same time, the chairmen of the Senate and House redistricting committees felt strongly that the legislature had a constitutional duty to draw a plan for the three-judge panel to review, rather than leave that task to the court. For these reasons. preservation of the existing partisan balance became a driving force in locating and shaping the districts.

These primary goals were accomplished while still providing minority voters a fair opportunity to elect representatives of their choice in at least two districts (Districts 1 and 12).

Data and expert studies before the General Assembly provided a strong basis in evidence for the conclusion that the *Gingles* factors are present in the area generally encompassed by new District 1. *See* Attachment 97C-28F-3B and 97C-28F-3B Ex. Based on this evidence, legislative leaders concluded that avoidance of potential liability under Section 2 of the Voting Rights Act probably required the creation of a majority-minority district in that area. Accordingly, 50.27% of the total population within the District is African-American and 46.54% of the voting age population is African-American, based on 1990 census data. In addition, 1997 population projections indicate that the percentage of African-Americans and the percentage of African-American registered to vote are

slightly higher in District 1 today than in 1990, *See* Attachment 97C-28A-2. These percentages plus the "cross-over" voters within the District (20 to 25 %) provide African-American citizens in District 1 a reasonable opportunity to elect a candidate of their choice. This opportunity is almost certainly enhanced for the life of this plan (the 1998 and 2000 elections) by the incumbency of Eva Clayton. Congresswoman Clayton was elected from old District 1 in 1992, 1994 and 1996 with percentages of 67.0%, 61.0% and 65,9%, respectively, even though African-Americans constituted only 53% of the District's voting age population and 50.5% of the District's registered voters.

The General Assembly did not have sufficient evidence to conclude, and believes that sufficient evidence does not exist to conclude, that *Gingles* factors exist in any other area of the State so as likely to require the creation of a second majority-minority district. In *Shaw* the Supreme Court specifically rejected the State's argument that it had a compelling interest in creating a majority-minority district in the area encompassed by old District 12. Likewise. the General Assembly specifically rejected the creation of a second majority-minority district in the area eastward of Charlotte to Cumberland and Robeson Counties, as proposed for example by Senator Cochrane. Creation of any district in that area would artificially group together citizens with disparate and diverging economic, social and cultural interests and needs. It would sandwich rural voters between urban voters in the State's banking and commercial center at one end of the district and voters residing on and around Fort Bragg and Pope Air Force Base at the other end of the district. Such a district would also rely on uncertain coalitions between African-American and

Native-American voters for its "majority-minority" status. Significantly, it would have thwarted the goal of maintaining partisan balance. Under these circumstances, voters could not obtain effective representation, or be effectively represented. Moreover, under these circumstances, race would have become the predominate factor, to the exclusion of the State's redistricting criteria, in the creation of a district which would bear an uncomfortable resemblance to Georgia's District 11 declared 'unconstitutional in *Miller v. Johnson*.

Nevertheless, District 12 in the State's plan also provides the candidate of choice of African-American citizens a fair opportunity to win election. Though not a majority-minority district, the candidate of choice of the minority community within the District will have a fair and reasonable opportunity to win election based on a combination of minority and non-minority votes. Congressman Mel Watt was elected from old District 12 in 1992, 1994 and 1996 with percentages of 70.4%, 65.8% and 71.5%, respectively. (African-American citizens constituted 53 % of the voting age population and 53.5 % of the registered voters of old District 12)

Consistent with the General Assembly's primary goal to preserve the existing partisan balance in Congress, new District 12 contains a substantial portion of the core of the urban population of old District 12 and a substantial percentage of voters with an affinity for Democrat candidates, regardless of their race. Those factors, together with the significant African-American population in the District (46.67% total population and 43.36% voting age population) provide a fair opportunity for incumbent Congressman Watt to win election.

¶97C-270. Litigation relating to Redistricting in North Carolina:

1. Litigation relating to 1990s congressional districts:

(a) *Pope v. Blue,* 809 F. Supp. 392 (WDNC), *aff'd.* 113 S. Ct. 30 (1992). February 20, 1992 (suit filed claiming 1992 congressional plan was an unconstitutional political gerrymander); March 9, 1992 (three-judge court dismisses suit); October 5, 1992 (Supreme Court affirms three-judge court).

(b) *Shaw v. Hunt,* 116 S. Ct. 1894 (1996). July 1, 1991 (General Assembly enacts plan containing one majority-minority district in northeastern counties): December 18, 1991 (USDOJ refuses to preclear plan on grounds that second majority-minority district can be drawn); January 24, 1992 (General Assembly enacts plan containing two majority-minority districts, Districts 1 and 12); March 12. 1992 (suit filed claiming Districts 1 and 12 are unconstitutional racial gerrymanders); April 27, 1992 (three-judge court grants defendant motion to dismiss); June 28, 1993 (Supreme Court reverses and remands): August 27. 1996 (three-judge court enters judgement for defendants following two week trial); June 13, 1996 (Supreme Court reverses, declares District 12 unconstitutional but dismisses

challenge to District 1 on standing grounds); July 30, 1996 (three-judge court allows 1996 elections to proceed, gives General Assembly until April 1, 1997 to enact new plan and submit for court's approval); April 1, 1997 (new plan submitted to three-judge court).

(c) *Daly v.* State *Board of Elections,* No. 5-96-CV-88-V (WDNC). January 27, 1997 (complaint served claiming several districts in 1992 congressional redistricting plan and several State House and Senate districts in the existing plans are unconstitutional racial gerrymanders); March 21, 1997 (defendants answer and move to dismiss or transfer for improper venue)

(d) Cromartie *v. Hunt,* No 4-96-CV-104 (EDNC). July 3, 1996 (complaint filed challenging District 1 in 1992 congressional plan); September 4, 1996 (order entered staying all proceedings pending completion of *Shaw v. Hunt* remedial phase).

2. Other redistricting litigation:

(a) *Thornburgh v. Gingles,* 478 U.S. 30 (1986) (Section 2 litigation concerning legislative districts).

(b) *Drum v. Sewell,* 249 F. Supp. 877 (MDNC), *aff'd.* 383 U.S. 831 (1966) (one-person, one-vote challenge to congressional districts).

¶97C-27P. Preclearance of Prior Plan

The prior congressional redistricting plan was precleared on February 6, 1992 *(see* Attachment 97C-

27P-1). The authority of the North Carolina General Assembly to redistrict its congressional districts is contained in 2 U.S.C. §2a and §2c, Article I, §§2 and 4 of the U.S. Constitution. and the July 30, 1996, order by the three-judge court in *Shaw v. Hunt*. *See* Attachment 97C-27P-2.

¶97C-27Q. Information Required for Redistricting

Information required for redistricting and specified under 28 C.F.R. §§51.28(a)(1) and (b)(1) is located is Attachments 97C-28A and 97C-28B.

¶97C-27R. Other Material Concerning the Purpose of the Plan

Nearly 200 congressional redistricting plans have been drawn by legislative staff, interest groups, and the public using the North Carolina General Assembly's redistricting computers since January 1, 1996. There were a few exploratory plans drawn by the legislative staff in the fall of 1995 after the United States Supreme Court overturned Georgia's congressional redistricting plan. Some plans were never completed and some are duplicates of others. Plans that were actually presented during the legislative process as alternatives are discussed below and most are also discussed in 1197- 27H;

1. Plans Publicly released by the House and/or Senate

(a) Congress-96-001: This plan was released by Representative Richard Morgan to the House Rules Committee in July, 1996. The plan was never voted on by the Committee. *See* ¶97C-27H and Attachment 97C-27R-1. The plan contained a district from Charlotte to Robeson County similar to the district contained in the plan offered by Senator Betsy

Cochrane as an amendment to 1997 Congressional Plan A and to the plan eventually enacted. *(See* Attachment 97C-27R-11 for the plan proposed by Senator Cochrane). Representative Morgan's primary goal in releasing the plan at that time was to establish that a redistricting plan could be drawn in time for the 1996 elections. That plan was never considered by the General Assembly after the public hearing.

(b) 1997 Congressional Plan A: This was the first plan released by Senator Cooper to the Senate Select Committee on Redistricting on February 20, 1997. The plan was approved by the Committee on March 19, 1997 as Senate Bill 433, but was withheld from a vote on the Senate floor as negotiations between the House and Senate continued on a compromise plan. This plan is contained in 3 different forms in Attachment 97C-27R-2: as released on February 20; as re-released on February 24 with a contingent zero-deviation plan; and as released again on March 18 as Senate Bill 433.

(c) 1997 House Congressional Plan A.1: This was the first plan released by Representative McMahan to the House Committee on Congressional Redistricting. It was presented at the February 25, 1997 meeting of the committee. The plan was never voted on by the committee. *See* Attachment 97C-27R-3.

(d) 97 House Congress Plan G: This plan was submitted to the House Committee on Congressional Redistricting on March 19. 1997. The Committee approved it and had it introduced as a committee bill (House Bill 586). The bill was sent back to Committee. *(See* Attachment 97C-27R-4).

(e) 97 HOUSE/SENATE PLAN: This plan represented the plan agreed to by the House and the Senate. The plan was approved by the House Committee on Congressional Redistricting on March

25, 1997. The plan was amended on the floor of the House by Rep. Ronnie Sutton, and the amended version was sent to the Senate as 97 HOUSE/SENATE PLAN A. *See* 197C-27H for a discussion of the Sutton amendment. *See* Attachment 97C-27R-5 for this plan.

2. House Committee Amendments

(a) Blue Amendment: Representative Dan Blue offered an amendment that was designed primarily to preserve the 4th district essentially in its 1992 form instead of having it divided between the 2nd and 4th district. The amendment was rejected. *See* Attachment 97C-27R-6.

(b) Sutton amendment: Representative Ronnie Sutton of Robeson County offered an amendment to shift a predominantly Native American precinct in Robeson County from District 8 back to District 7 and to "make up the population difference" in Cumberland County. Representative Sutton did not identify which precincts in Cumberland County should be moved to account for this change. Counsel to the Committee suggested that he make this change as a floor amendment to the bill so that the appropriate precincts could be identified and the population data recalculated on the computer. For purposes of the proposed back-up plan containing zero population deviation (97 HOUSE/SENATE PLAN 0), census blocks within a precinct would also have to be identified and moved and the population figures recalculated to ensure that there was still zero population deviation in Districts 7 and 8. Representative Sutton's amendment was defeated in committee. (Note: Representative Sutton offered an amendment on the floor the following day. complete with a statistical analysis. *See* below).

3. House Floor Amendments

(a) Representative Sutton offered an amendment on second reading of the bill, complete with statistical analysis, to both the primary plan and the alternate zero deviation plan. His amendment moved a predominantly Native American precinct from District 8 to District 7, moved Fort Bragg from District 7 to District 8, and changed western Cumberland County and western Fayetteville to offset the population difference in District 7 created by the transfer of Fort Bragg. This amendment passed 117-0. *See* Attachment 97C-27R-7. The recorded vote is attached as Attachment 97C-28F-4H.

(b) Representative Mickey Michaux offered the following three related amendments to House Bill 586 on second reading of the bill:

(1) Fitch/Michaux Plan A *(See* Attachment 97C-27R-8)

(2) Fitch/Michaux Plan B *(See* Attachment 97C-27R-9)

(3) Fitch/Michaux Plan C *(See* Attachment 97C-27R-10)

Representative Michaux announced that the purpose of his amendments was to maximize the minority vote by creating more minority influence districts. *See* House floor debate. Attachment 97C-28F-4F(1). pp. 9-10.

Each of these amendments contained a north-eastern majority-minority district (District 1) comparable to the proposed District I *in* House Bill 586. The percentage of African American population (total population) of District 1 in all three Fitch/Michaux plans was 50.23%. (It is 50.27% in the enacted plan). Each of the amendments also contained a new District 5 running from Durham to Greensboro

and a District 12 running from Charlotte to Winston-Salem. In Plan A. District 5 runs from Granville County through Durham into Greensboro. In Plans B and C, District 5 runs from Durham to Greensboro and then to High Point. The amendments also had variations in District 7. In Plan B, Robeson County is in District 8. In Plan C, Robeson County is in District 7.

The percentage of African American and Native American population, based on 1990 census data, for Districts 1, 5, 7, and 12 in the Fitch/Michaux Plans were as follows. (Note: for District 7, the first number is African American population percentage; the second number is Native American population percentage. For the other districts, the number is African American population percentage):

	District 1	District 5	District 7	District 12
Plan A:	50.23	33.88	29.62/8.61	37.44
Plan B:	50.23	34.41	32.17/1.39	37.66
Plan C:	50.23	34.41	30.02/8.55	37.66

All three amendments were voted on in the House and defeated by the following margins: Plan A (90 to 27); Plan B (90 to 26); Plan C (87 to 30). The recorded votes on these amendments are attached as Attachment 97C-28F-4H.

Representative Michaux's amendments were rejected because they did not preserve the partisan balance in House Bill 586 nor did they preserve the cores of the existing districts in the Piedmont. Plan B would have placed two Democratic incumbents in the same district: Congressman McIntyre from Robeson County and Congressman Hefner from Cabarrus County. All three plans (A. B. and C) would have

placed two Republican incumbents together in District 6: Congressman Burr and Congressman Coble.

In addition, all three plans would seriously weaken the ability of the African-American incumbent in District 12 (Congressman Watt) to win re-election. The African-American percentage in District 12 is only 37.66 percent in Plans B and C and 37.44 percent in Plan A – approximately nine percent lower than the African-American percentage of District 12 in the enacted plan (46.67%).

The three Fitch/Michaux plans also reduce the percentage of African Americans in Districts 2, 3. 4 and 8 as compared to the enacted plan, as shown below:

	Dist. 2	Dist. 3	Dist. 4	Dist. 8
Enacted plan	27.91	19.79	21.02	27,73
Fitch/Michaux A	23.62	18.82	19.55	18.62
Fitch/Michaux B	23.71	16.77	18.93	20.90*
Fitch/Michaux C	23.71	16.77	18.93	23.06

*This plan (B) also includes a Native American population of 8.64% in District 8.

4. Plans Offered in Senate Committee

Senator Betsy Cochrane offered an alternative plan, Cochrane Congress (Attachment 97C-27R-11), at the March 19, 1997 meeting of the Senate Committee. This plan was offered as an alternative to the plan offered by Senator Cooper (1997 Congressional Plan A). Senator Cochrane's plan was rejected by the Committee. *See* the minutes from the Senate Committee meeting for that day in Attachment 97C-28F-4D(3) and ¶97C-27N for extensive discussion on Senator Cochrane's plan and why it was not accepted.

5. Plans Offered on Senate Floor

Senator Cochrane offered her plan again. *See* the discussion above. The plan was defeated by a vote of 27 to 18. *See* Attachment 97C-28F-4H for the recorded vote on the amendment.

6. Plans Discussed in Negotiations

Senator Cooper and Representative McMahan were involved in negotiations with each other for nearly three weeks in an effort to develop a plan that both the House and the Senate could agree to. These negotiations centered primarily on the division of Wake County between the 2nd and 4th districts.

Several proposed plans were exchanged during this time. The plans constituted a series of offers and counteroffers that gradually moved the Senate and House closer together. This series of changes can best be understood in light of the original plans released by both sides (1997 Congressional Plan A in the Senate and 1997 House Congressional Plan A.1 in the House) and how those plans came about.

In developing the Senate's initial plan as well as subsequent plans, Senator Cooper consulted with members of the congressional delegation and members of the Senate, particularly Senator Frank Ballance, Senator Leslie Winner, Senator Bill Martin, and Senator Marc Basnight. Senator Ballance, an African-American and the Deputy President Pro Tempore of the Senate, was consulted about the placement of counties in the northeastern part of the state – the area in which he resides (Warren County) – including the location of the boundaries of the new 1st district. Senator Winner, counsel for the plaintiffs in the *Gingles* litigation in the early 1980s and a resident of Charlotte. was consulted about the composition of the 12th district, which includes much of Charlotte.

Senator Martin, an African-American representing much of Greensboro and Guilford County, was consulted both as to statewide plan issues and the placement of parts of High Point and Greensboro in the 12th district. Senator Basnight, President Pro Tempore of the Senate, was consulted on the plan generally and on the placement of counties in the northeast. Senator Basnight also resides in the northeast (Dare County). Senators Basnight and Ballance together represent most of northeastern North Carolina.

The initial Senate plan was perceived by many Republicans as treating incumbent Republican congressman Walter Jones (3rd District) unfairly (*see*, for example, the comments of Representative McMahan to the House Redistricting Committee on February 25, 1997 at Attachment 97C-28F-4E(2)). The House Republicans felt that the 3rd district was perhaps their most critical district and that the Senate's proposal, especially in the 3rd district, threatened the 6-6 partisan balance. Rep. McMahan responded by releasing a plan (1997 House Congressional Plan A.1) that in many respects resembled the Senate plan. However, Rep. McMahan's plan also addressed the concerns about the 3rd district and created other intentional differences between the two plans to use as "bargaining chips" in negotiating primarily on three districts – the 2nd, the 3rd, and the 4th. Representative McMahan also consulted with numerous individuals, including African-American and other members of the House and Democratic and Republican members of the North Carolina congressional delegation.

Although the boundaries of the 1st District were affected by changes in the 2nd, 3rd, and 4th districts, these changes did not significantly affect the

percentage of African-Americans in the 1st District. This percentage fluctuated about two-tenths of one percent as a result of this series of changes. The enacted 1st district is similar to the 1st district that was originally proposed by Senator Cooper after consultation with Senators Ballance and Basnight. As enacted, it includes more of the territory of the existing 1st district than the original House plan, thus keeping more of Congresswoman Clayton's current constituency intact in the district. At the same time, the counties in the coastal/Tidewater region (Chowan. Pasquotank, Perquimans, Currituck. and Tyrrell) are able to remain together with the coastal counties with whom they share economic and other interests.

Differences between the House and Senate plans in the 12th district were resolved quickly. The House agreed to include Winston-Salem in the 12th district in one of its first counter-offers to the Senate, recognizing that it was the only major city in the Triad area not included in the urban-based 12th district.

After the 3rd district and 12th district were resolved, the negotiations focused on the dividing line in Wake County between the 2nd and 4th districts. The Senate considered that many of the House plans for the 2nd district were not consistent with the goal of keeping a partisan balance and the House felt that the 2nd district in the Senate plans did not reflect the partisan makeup of the prior 2nd district. This issue was the last to be resolved.

7. Plans Presented at Public Hearing

Several plans were presented at the public hearings. These plans are contained as exhibits

to the public hearing transcripts and are included in Attachments 97C-28F-3A and -3B. Of these plans, it is believed that only three were ever introduced as bills

or offered as amendments: the plan presented by Senator Cochrane (offered *as* an amendment to the first Senate plan and to the plan that was eventually enacted); a plan introduced by Representative Steve Wood (House Bill 599); and a plan introduced by Representative Robert Grady (House Bill 585). *See* Attachment 97C-27R-11. Neither Representative Grady nor Representative Wood offered his plan as an amendment to House Bill 586.

8. Public Access and Other Plans

The legislature provides access to the public so that any member of the public may draw a redistricting plan. The legislature also provides a qualified staff person to assist members of the public in using the public access redistricting computer. Numerous plans have been drawn by members of the public and interest groups using the public access computer. Attachment 97C-27R-12 contains a list of all congressional plans drawn by legislative staff, the public and others since January 1. 1996. The legislative staff has reviewed this list and, after eliminating plans that were duplicates, has produced summary reports on all staff plans and public access plans, including some plans for which the districts were not completed or which were attempts to draw only certain districts. A map is also included with the reports. The reports provide summary information on population, voting age population, registration, and elections of the districts. This information is included in Attachment 97C-27R-12.

¶97C-28A. Demographic Information

See the 1992 Submission at C-28A. *See* Attachment 97C-27A-2 for demographic data based on the 1990 census and 1990 voter registration data and estimated

1996 voter registration data. *See* Attachment 97C-28A-1 for 1997 population projections.

¶97C-28B. Maps

1. Maps of the prior districts (Congressional Base Plan 10) are contained in the States previous submission as Attachment 2C-27A.

Maps of the new districts (97 HOUSE/SENATE PLAN A and 97 HOUSE/SENATE PLAN A 0) are contained in Attachment 97C-27A-2. Two large color maps are included as Attachment 97C-27A-3.

2. Not applicable.

3. Thematic maps of minority concentration by county (based on 1990 census data) are contained in the previous submission at C-28B.

4. Not applicable.

5. Not applicable.

6. Not applicable.

¶97C-28C. Annexation Information

Not applicable.

¶97C-28D. Election returns

Election returns for the following elections are attached as follows:

1992 congressional primary elections
Attachment 97C-28D-1

1992 congressional general election
Attachment 97C-28D-2

1994 congressional primary elections
Attachment 97C-28D-3

1994 congressional general election
Attachment 97C-28D-4

1996 congressional primary elections
Attachment 97C-28D-5

1996 congressional general election
Attachment 97C-28D-6

¶97C-28E. Language usage

Not applicable.

¶97C-28F. Publicity and Participation Relating to Congressional Redistricting Plans

1. An index of articles from major North Carolina newspapers is included as Attachment 97C-28F-1. These articles cover two different periods with respect to the North Carolina General Assembly's involvement with redistricting: (1) the summer of 1996, when *Shaw* was decided and the legislature considered the feasibility of drawing new districts at that time and (2) the period since the reconvening of the legislature in late January, 1997.

2. Copies of notices for the two public hearings are included as Attachment 97C-28F. The first public hearing was held July 24, 1996, by the House Committee on Rules. Calendar, and Operations of the House. The notice of this hearing, including legal ads published in major newspapers throughout the State, are included at Attachment 97C-28F-2A.

The second hearing was a joint public hearing of the House and Senate redistricting committees on February 26, 1997. The notice of this hearing, including legal ads published in major newspapers throughout the State, are included at Attachment 97C-28F-2B.

A list of newspapers in which the hearing notices were published is included as Attachment 97C-28F-4J.

3. Copies of the transcripts of both public hearings and exhibits by speakers are included. The 1996 public hearing transcript is included as Attachment 97C-28F-3A. The 1997 public hearing transcript is included as Attachment 97C-28F-3B. Speaker and visitor registration sheets for the hearings are included.

4. The following statements, speeches, and minutes concerning the redistricting process are included:

(a) Statement of Representative Richard Morgan, Chair of the House Committee on Rules, Calendar, and Operations of the House, to that Committee on July 16, 1996, concerning a proposed redistricting plan "Congress-96-001." (Attachment 97C-28F-4A).

(b) Affidavits of Senator Cooper and Representative Richard Morgan to the federal district court on behalf of Senate President Pro Tempore Marc Basnight and House Speaker Harold Brubaker, respectively, on the issue of whether redistricting could be accomplished in time for the 1996 elections. (Attachment 97C-28F-4B).

(c) Letter from Senator Roy Cooper, Chairman of the Senate Select Committee on Redistricting, to Attorney General Mike Easley stating the position of Senate leadership that redistricting could not be accomplished prior to the 1996 elections. (Attachment 97C-28F-4C).

(d) Minutes and notices of the Senate Select Committee on Redistricting:

July 10, 1996 meeting
Attachment 97C-28F-4D(1)

February 20, 1997 meeting
Attachment 97C-28F-4D(2)

March 19, 1997 meeting
Attachment 97C-28F-4D(3)

March 27, 1997 meeting
Attachment 97C-28F-4D(4)

(e) Minutes of the House Committee on Congressional Redistricting

February 12, 1997 meeting
Attachment 97C-28F-4E(1)

February 25, 1997 meeting
Attachment 97C-28F-4E(2)

March 19, 1997 meeting
Attachment 97C-28F-4E(3)

March 25, 1997 meeting
Attachment 97C-28F-4E(4)

(f) Transcript of the House floor debate
Attachment 97C-28F-4F(1)
Transcript of the Senate floor debate
Attachment 97C-28F-4F(2)

(g) House Journal Excerpt
Attachment 97C-28F-4G(1)
Senate Journal Excerpt
Attachment 97C-28F-4G(2)

(h) Recorded votes
Attachment 97C-28F-4H

(i) Correspondence

Senator Cooper
Attachment 97C-28F-41(1)

Rep. McMahan
Attachment 97C-28F-41(2)

(j) Media list
Attachment 97C-28F-4J

¶97C-28G. Availability of Submission

1. A copy of the public notice that will be published announcing the submission to the United States Attorney General of the materials required by 28 C.F.R. Part 51, informing the public that a complete duplicate copy of the submission is available for public inspection at the Legislative Office Building, Raleigh, North Carolina, and inviting comments to be addressed to the United States Attorney General is Attachment 97C-28G-1.

2. The publication list for the public notice of the submission is Attachment 97C-28G-2(a) and the distribution list for the public notice is Attachment 97C-28G-2(b).

¶97C-28H. Minority Group Contacts

A list of minority contacts is maintained by the legislature for redistricting. The individuals and organizations on the list were contacted about public hearings on redistricting by mailing a copy of the notice of the hearing. The minority contact list is attached as Attachment 97C-28H-l.

NORTH CAROLINA SECTION 5 SUBMISSION FOR 2011 CONGRESSIONAL REDISTRICTING PLAN

The following information is submitted by North Carolina in support of its request for preclearance of the State's 2011 Congressional redistricting plan, which was enacted by the General Assembly on July 28, 2011. The numbered sections correspond to the numbers of the United States Department of Justice's rules regarding the content of preclearance submissions, 28 C.F.R. §§ 51.27 and 51.28. Generally, documents containing necessary information are in attachments bearing corresponding numbers. *(E.g.*, Paragraph C-27A is documented by Attachment NC11-C-27A-1.[1])

C-27A. 2011 Enactment of Congressional Redistricting Plan

1. The 2011 Congressional redistricting plan passed by the North Carolina General Assembly, Rucho-Lewis Congress 3, is contained in Session Law 2011-403 (Senate Bill 453). See *Attachment NC11-C-27A-1.*

2. Maps and statistics of the 2011 Congressional redistricting plan, Rucho-Lewis Congress 3 Maps and Statistics, are also included at *Attachment NC11-C-27A-1.*

3. Copies of the redistricting base data and plan files used in the General Assembly's Maptitude computer system are provided with explanatory

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[1] Each attachment begins with the designation "NC11" to indicate North Carolina's 2011 Plans. This is followed with the letters "S', "H" or "C" to indicate the Senate, House or Congressional submission.

memorandum at *Attachment NC11-S-27A-2* in the Senate Submission. Access to the computer tape is available to the public by contacting Dennis McCarty, Director of the Information Systems Division, Legislative Office Building, 300 N. Salisbury Street, Raleigh, North Carolina, telephone 919.733.6834.

C-27B. Maps and Statistics Analyzing the Current Congressional Plan Enacted in 2001.

The maps and statistics analyzing the Congressional redistricting plan now in effect using 2000 census data are included at *Attachment NC11-C-27B-1*. The statistics analyzing the Congressional redistricting plan now in effect using 2010 census data are included at *Attachment NC11-C-27B-2*.

C-27C. Documents Explaining the 2011 Changes to the Congressional Redistricting Plan.

1. Section 5 District Comparison by County. See *Attachment NC11-C-27C-1*.

2. District-by-District Comparison of Section 5 Counties. See Attachment NC11-C-27C-2.

3. Comparison of the 2001 Congressional Plan and Rucho-Lewis Congress 3 using several indicia of minority voting strength. For ease of analysis and comparison of districts, the chart shows the old 2001 district numbers with 2000 and 2010 Census data alongside the equivalent new 2011 district numbers with 2010 Census data. See *Attachment NC11-C-27C-3*.

4. Comparison of Relevant Districts. See *Attachment NC11-C-27C-4*.

C-27D. Persons making the submission are:

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C-27E. The submitting authorities are the Attorney General of North Carolina, the President *Pro Tempore* of the North Carolina Senate and the Speaker of the North Carolina House of Representatives on behalf of the State of North Carolina.

C-27F. Not applicable.

C-27G. The Congressional redistricting plan is an act of the State legislature, the General Assembly of North Carolina.

C-27H. Authority and Process for Congressional Redistricting.

The North Carolina General Assembly is authorized by 2 U.S.C. §§ 2a and 2c and by Article I, § 2, Clause 3, and § 4, Clause 1, of the United States Constitution to redistrict its Congressional districts. *Attachment NC11-C-27H-1.*

January 27, 2011. The President Pro Tempore of the Senate, Senator Phil Berger, appointed the Senate Redistricting Committee and named Senator Bob Rucho as Chair. Subsequently, Senator Charlie Dannelly resigned (announced April 6, 2011) and Senators Debbie Clary (announced July 19, 2011), Jim Forrester (announced July 19, 2011), and Bill Rabon (announced July 25, 2011) were removed. Additions to the committee were Senator Malcolm Graham (announced April 5, 2011), Senator Kathy Harrington (announced July 19, 2011), Senator Dan Soucek (announced July 19, 2011) and Senator Debbie Clary (announced July 25, 2011). A list of members of the committee is at *Attachment NC11-S-27H-2.*

January to March 2011. The Information Systems Division (ISD) implemented software and hardware for a redistricting computer system using Maptitude and ArcView softwares. The system included installation of 17 member and staff licenses, the installation of a public terminal and the installation of a terminal dedicated for use by members of the General Assembly.

February 15, 2011. The Speaker of the House of Representatives appointed the House Redistricting Committee and named Representatives David Lewis, Jerry Dockham, and Nelson Dollar as Chairs. Representative David Lewis was designated Senior Chair. Subsequently, Representatives Carolyn Justice and Ric Killian were removed, and Representatives Jamie Boles and Danny McComas were appointed, all of

which were announced July 21, 2011. A list of members of the committee is at *Attachment NC11-H-27H-2.*

March 2, 2011. The General Assembly received the 2010 Census P.L. 94-171 data from the U. S. Department of Commerce. ISD loaded the census data and political data into the Maptitude software so that the information would be available for developing district plans. This process was completed on March 22, 2011. See *Attachment NC11-S-27A-2* for an explanatory memorandum regarding the mapping software and database.

March 17, 2011. Senate Redistricting Chairman Bob Rucho and House Redistricting Chairman David Lewis wrote a letter to Legislative Black Caucus Chairmen Senator Floyd McKissick and Representative Larry Womble asking them for their advice on redistricting related matters, including: the content of notices for public hearings, the locations of public hearings, contact information for groups and individuals who should receive public notice, areas of testimony that may be important to redistricting, and any other redistricting suggestions or ideas. The Chairmen copied all members of the Legislative Black Caucus on this letter. A copy of this letter is included in correspondence at *Attachment NC11- S-28F-5(e).*

March 22, 2011. Senator Rucho and Representative Lewis sent a letter to all members of the North Carolina's Congressional delegation asking for their input on redistricting and requesting the opportunity to sit down with each member and discuss the areas they represent. A copy of this letter is included in correspondence at *Attachment NC11-S-28F-5(e).*

March 24, 2011. Senator Rucho and Representative Lewis sent a letter to all members of the General

Assembly advising them of public hearings, asking for their advice on the areas they represent, and inviting each member to sit down with one of the chairs to discuss their districts and the overall process. This letter also included information concerning a policy for access to redistricting assistance. A copy of this letter is included in correspondence at *Attachment NC11-S-28F-5(e).* The policy referred to in the letter can be found at *Attachment NC11-S-28F-5(h).*

March 29, 2011. Senator Rucho and Representative Lewis sent a letter to the Reverend Doctor William Barber II, President of the NC NAACP, asking him to share his opinions and ideas on redistricting with the Chairs and inviting him to attend public hearings once they began. On March 31, the Chairmen followed up with a letter inviting Dr. Barber to attend the April 13 hearing to be held in Raleigh. A copy of this letter is included in correspondence at *Attachment NC11-S-28F-5(e).*

March 30, 2011. The Senate Redistricting Committee held an informational meeting. The topics of discussion and presentations included technology and other resources available for redistricting, committee and ISD procedures, and the legal issues surrounding redistricting.

March 31, 2011. Senator Rucho accepted Senator Charlie Dannelly's resignation from the Senate Redistricting Committee. On the same day, he asked Senator Malcolm Graham to join the Senate Redistricting Committee. Senator Graham accepted the offer.

March 31, 2011. Senator Rucho and Representative Lewis sent a letter to a list of over 300 minority contacts and other important constituencies across

the state. In the letter, the Chairmen asked for opinions and advice regarding: proposed legislative and congressional districts or plans, the continued presence of racially polarized voting in North Carolina, the impact of *Bartlett v. Strickland* on the redistricting process, the importance of determining citizen voting age population in drawing districts, the continued presence of *Gingles* factors in North Carolina counties, and any other information regarding compliance with the Voting Rights Act. The Chairmen also sent a copy of the letter to Senator McKissick and Representative Womble along with all other members of the Legislative Black Caucus. A copy of this letter and of responses received is included in correspondence at *Attachment NC11-S-28F-5(e).*

April 7, 2011. The House Redistricting Committee held an informational meeting. The topics of discussion and presentations included technology and other resources available for redistricting, committee and ISD procedures, and the legal issues surrounding redistricting.

April 13 to July 18, 2011. The House and Senate Redistricting Committees held a total of seventeen public hearings across the State of North Carolina. At all but two of these hearings, from two to eight additional sites were interactively connected with the main site via teleconferencing technology, for a total of 63 opportunities for members of the public to attend. Some of these public hearings were held before any plans were published in order to give members of the public the opportunity to put forward any ideas they might have about how districts could or should be drawn, while other hearings were held after plans had been published by the Chairs so that members of the public could offer reactions and suggestions.

For locations of these hearings and satellite sites, see *Attachment NC11-S-27H-3 and 4.* For transcripts related to the public hearings, see *Attachments NC11-S-28F-3(a)-(q).* For copies of the public notices, see *Attachments NC11-S-28F-2(a).*

June 15, 2011.The House and Senate Redistricting Committees met jointly to consider the introduction of testimony and documentation for the official record of the committee. For a copy of the transcript of this meeting, see *Attachment NC11-S-28F-6(r).*

June 17, 2011. Senator Rucho and Representative Lewis issued a Joint Statement with general information concerning the redistricting process. A copy of this Joint Statement is included in *Attachment NC11-S-28F-5(e).*

July 1, 2011. Senator Rucho and Representative Lewis issued a Joint Statement concerning a proposed districting plan for the United States House of Representatives. A copy of this Joint Statement is included in *Attachment NC11-S-28F-5(e).*

July 19, 2011. Senator Rucho and Representative Lewis issued a Joint Statement concerning proposed Rucho-Lewis Congress 2. A copy of this Joint Statement is included in *Attachment NC11-S-28F-5(e).*

July 21, 2011. The House and Senate Redistricting Committees met jointly for a presentation of the Rucho Lewis Congress 2A plan. For a copy of the transcript of this meeting, see *Attachment NC11-S-28F-6(s).*

July 22, 2011.The Senate Redistricting Committee met and debated Senate Bill 453, Rucho Lewis Congress 2A. Senator Martin Nesbitt offered an amendment to Districts 10 and 11, which amendment failed. The bill was given a favorable report by voice vote. For

a copy of the transcript of this meeting, see *Attachment NC11-S-28F-6(c).*

July 25, 2011.The full Senate debated and voted on Senate Bill 453, Rucho Lewis Congress 2A. The bill passed second and third readings by a vote of 27-19. Three amendments were offered, Amendment One by Senator Dan Blue, Amendment Two by Senator Martin Nesbitt, and Amendment Three by Senator Josh Stein. Amendment One failed by a vote of 19-27. Amendment Two failed by a vote of 19-27. Amendment Three failed by a vote of 19-27. The bill passed second and third readings by a vote of 27-19. For further discussion of these amendments, see Section C-27R of this compendium. For a transcript of the floor debate, see *Attachment NC11-S-28F-6(1).* For journal records of votes see *Attachment NC11-S-28F-8(a)-(e).*

July 25, 2011.Senate Bill 453, Rucho Lewis Congress 2A, was received by the House and referred to the House Redistricting Committee.

July 27, 2011.A proposed committee substitute for Senate Bill 453, Rucho Lewis Congress 3, was taken up for presentation, discussion, and debate by the House Redistricting Committee. Representative David Lewis presented the plan and answered questions regarding the plan. Representative Tim Moffitt offered an amendment similar to the amendment previously offered by Senator Nesbitt in the Senate Redistricting Committee and on the Senate Floor, with differences to accommodate the differences in the bill before the Committee. The amendment failed by a vote of 17-23. The bill was given a favorable report by voice vote. For a copy of the transcript of this meeting, see *Attachment NC11-S-28F-6(i).*

July 27, 2011.Senate Bill 453, Rucho Lewis Congress 3, was reported out of committee and placed on the House calendar for immediate consideration. Three amendments were offered. Amendment One by Representative Joe Hackney (the same amendment previously offered by Senator Josh Stein on the Senate floor), Amendment Two by Representative Susan Fisher (similar to amendment previously offered by Senator Nesbitt in the Senate Redistricting Committee and on the Senate Floor and identical to the amendment offered by Representative Tim Moffitt in the House Redistricting Committee), and Amendment Three by Representative Grier Martin, (the same amendment previously offered by Senator Dan Blue). All three amendments failed. Amendment One failed by a vote of 51-68. Amendment Two failed by a vote of 51-65. Amendment Three failed by a vote of 50-68. The bill passed second and third readings by a vote of 67-52 in the House of Representatives. The Senate concurred in the changes to the bill and the bill passed second and third readings by a vote of 27-19. For further discussion of these amendments, see Section C-27R of this compendium. For a transcript of the floor debate, see *Attachment NC11-S-28F-6(q)*. For journal records of votes see *Attachment NC11-S-28F-9(a)-(f)*

July 28, 2011.Senate Bill 453, Rucho Lewis Congress 3 was ratified, signed by the Lieutenant Governor and the Speaker of the House, and chaptered into session law as S.L. 2011-403. Pursuant to Article II, § 22(5) of the North Carolina Constitution, the bill did not require the signature of the Governor to become law.

C-27I. Aside from the preclearance requirements of § 5 of the Voting Rights Act, the Congressional redistricting plan is effective upon its enactment, July 28, 2011.

C-27J. Following § 5 preclearance, the Congressional redistricting plan will take effect for the elections beginning in 2012. The time for the holding of primary and regular elections is contained in N.C. Gen. Stat. § 163-1, a copy of which is in *Attachment NC11-C-27J-1*. The time period for filing notice of candidacy is contained in N.C. Gen. Stat. § 163-106, a copy of which is in the *Attachment NC11- C-27J-2*.

C-27K. The changes in the Congressional redistricting plan enacted in 2011 have not yet been enforced or administered.

C-27L. Not applicable.

C-27M. Pursuant to 2 U.S.C. §§ 2a and 2c, and to Article I, § 2, Clause 3, and § 4, Clause 1, of the United States Constitution, the General Assembly is required to revise the Congressional districts and the apportionment of members of the United States House of Representatives among the districts at the first regular session convening after the return of every decennial census of population taken by order of Congress. The 2011 redistricting plan is based on the 2010 United States Census. Copies of 2 U.S.C. §§ 2a and 2c, and of Article I, § 2, Clause 3, and § 4, Clause 1, of the United States Constitution are included at *Attachment NC11-C-27H-1.*

C-27N. Effect of Adoption of Rucho-Lewis Congress 3 on Minority Voters.

North Carolina's 2011 Congressional Plan (also called "Rucho-Lewis Congress 3") has neither the purpose nor the effect of denying or abridging the right to vote on account of race or color. The 2011 Congressional

Plan complies with the United States Constitution's one-person, one vote requirements and preserves minority voting strength in North Carolina's two minority Congressional districts.

The 2011 Congressional Plan, like the benchmark 2001 Congress Zero Deviation Plan ("2001 Plan"), includes two districts – Districts 1 and 12 – that contain counties covered under Section 5 of the Voting Rights Act and have African-American incumbents. The 2011 Plan, in both of these districts, maintains African-Americans' ability to elect these incumbents as their preferred candidates of choice. Thus, the 2011 Plan has no discriminatory purpose nor is it retrogressive.

Both of these districts date back to the initial versions adopted by the General Assembly in 1992. There have been four decisions by the United States Supreme Court involving these two districts. *See Shaw v. Reno*, 509 U.S. 630 (1993); *Shaw v. Hunt*, 517 U.S. 899 (1996); *Hunt v. Cromartie*, 526 U.S. 541 (1999); *Easley v. Cromartie*, 532 U.S. 234 (2001). As a result of these decisions, elections have been held from 1992 through 2010 under four different versions of these two districts. The 2001 benchmark plan was not successfully challenged and has been used from the 2002 general election through the 2010 general election. African-American candidates and incumbents have been elected in both districts under all of these different plans.

Under Section 5 of the Voting Rights Act, a redistricting plan impermissibly "denies or abridges the right to vote" if it has the purpose of or will have the effect of diminishing the ability of any citizens of the United States on account of race or color . . . to elect their preferred candidates of choice." 42 U.S.C.

§ 1973c(b). In its 2006 reauthorization of the Voting Rights Act, Congress specified that "[t]he term 'purpose' . . . shall include any discriminatory purpose." 42 U.S.C. § 1973c(c). Congress further explained that Section 5's aim "is to protect the ability of [minority] citizens to elect their preferred candidates of choice." 42 U.S.C. § 1973c(d); *see also Beer v. United States*, 425 U.S. 130, 141 (1976) (holding that a redistricting plan violates Section 5 if it "would lead to a retrogression in the position of racial minorities with respect to their effective exercise of the electoral franchise"). As demonstrated below, the 2011 Congressional Plan preserves, and in fact *increases*, the ability of African-American voters to elect their preferred candidates of choice in Districts 1 and 12.[2]

District 1

The State's First Congressional District was originally drawn in 1992 as a majority African-American district. It was established by the State to avoid liability under Section 2 of the Voting Rights Act. The United States District Court for the Eastern District of North Carolina has held that the State had a strong basis for drawing the First District at a majority African-American level. *Cromartie v. Hunt*, 133 F.Supp.2d 407, 422-423 (E.D.N.C. 2000). This included a finding by the court that the First District was based upon a reasonably compact African-American population capable

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[2] For ease of analysis, we have included two charts. The first chart compares Congressional districts in the 2001 Congressional Plan with comparable districts in the 2011 Congressional Plan based upon the 2010 Census; it is at *Attachment NC11-C-27C-3*. The second chart compares key districts in the 2001 Congressional Plan with the corresponding districts in the 2011 Congressional Plan based upon the 2010 Census; it is at *Attachment NC11-C-27C-4*.

of constituting a majority in a single congressional district, that the African-American population was politically cohesive, and that the white majority population voted sufficiently as a bloc to enable it, in the absence of special circumstances, to defeat the minority's preferred candidate. *Id.* (citing *Thornburg v. Gingles*, 478 U.S. 30, 50-51 (1986)).

In response to the district court decision in *Cromartie*, the 2001 plan recreated the First District largely as it had been drawn under the 1997 plan and with a majority African-American total population. Attached at *Attachment NC11-C-27N-1*, is a map showing the 1997 boundaries of this District superimposed upon a map of the 2001 version of this District. As explained in North Carolina's 2001 Congressional preclearance submission, under the 2000 Census the 1997 version of the First District contained a Total Black Population of 50.46%, while the 2001 version was created with a Total Black Population of 50.71%.

The 2001 version of the First District is based upon all or portions of the following 23 counties: Beaufort, Bertie, Chowan, Craven, Edgecombe, Gates, Granville, Greene, Halifax, Hertford, Jones, Lenoir, Martin, Nash, Northampton, Pasquotank, Perquimans, Pitt, Vance, Warren, Washington, Wayne and Wilson. Of these 23 counties, all but two (Jones and Warren) are covered by Section 5. In addition, Bertie, Chowan, Edgecombe, Gates, Halifax, Hertford, Martin, Nash, Northampton, Washington and Wilson counties are counties in which the United States Supreme Court found the State liable under Section 2 of the Voting Rights Act in a case involving state legislative districts. *See Gingles, supra.*

As the General Assembly approached redistricting in 2011, there were two structural problems with the

First District that needed to be addressed. First, under the 2010 Census the District is under populated by 97,563 or - 13.30%. Second, in light of the decision in *Bartlett v. Strickland,* 129 S.Ct. 1231 (2009), districts drawn with the intent of precluding a finding of liability against the State under Section 2 of the Voting Rights Act must be drawn with a Total Black Voting Age Population ("TBVAP") of at least 50% plus one. Under the 2010 Census, the 2001 version of the First District has a TBVAP of only 48.63%. Thus, the State needed to add over 90,000 residents as well as a sufficient number of African-American voters in order to re-create this District at a majority African-American level.

An African American, Congressman G. K. Butterfield, is the current incumbent for the First District. The Chairs of the Redistricting Committees visited with Congressman Butterfield to discuss the structural problems with the First District and to seek his input. From this conversation, the Chairs believed that Congressman Butterfield understood the structural problems with the First District as well as two potential options for curing these problems. One option would draw the minority community that resides in Wake County into the First District, while a second option would draw the minority community located in Durham County into the District. The Chairs believed that Congressman Butterfield expressed a preference for drawing his district to include Wake County as opposed to the Durham County option.

Based upon the Chairs' understanding of Congressman Butterfield's preference, on July 1, 2011, the Chairs released their first proposed Congressional Plan called Rucho-Lewis Congress 1. Under this initial version, the First District included part of Wake

County and was re-established with a majority TBVAP. After this plan was released, Congressman Butterfield issued a statement that he had not communicated a preference for how population could be added to his district as between Wake and Durham Counties. Moreover, during public hearings held on July 7, 2011, several members of the public voiced concerns that Rucho-Lewis Congress 1 withdrew the First District from some Section 5 covered counties that had been included in the 2001 version. During a public hearing held in Asheville, North Carolina, a member of the general public produced a map that recreated the First District as a majority African-American district by drawing it into Durham County instead of Wake County. See *Attachment NC11-S-28F-3(n)* and *Attachment NC11-S-28F-5(g)*. This proposed version of the First District was otherwise based upon the same boundaries used for the 2001 version and therefore kept all the same covered counties found in the 2001 version.

Based upon the lack of any clear preference from Congressman Butterfield, and in response to some of the comments made at the public hearing, on July 19, 2011, the Chairs released a plan that was ultimately enacted as the 2011 Congressional Plan. Under the enacted version of District 1, the population deviation and majority African-American status of the District is corrected by drawing the District into Durham County. The addition of Durham to this District was easily accomplished as Durham County is contiguous to one of the counties found in the 2001 version of District 1 (Granville). The enacted District now has a TBVAP of 52.65%. It extends into all of the Section 5 covered counties found in the 2001 First District while adding one additional Section 5 covered county that was not included in the 2001 version (Franklin).

Moreover, there are more African-American residents of voting age in Section 5-covered counties who live in the 2011 version of District 1 than the total African-American voting age population that currently resides in Section 5 counties in the 2001 version of this District. *(See Attachment NC11-C-27N-2.).*

Thus, the 2011 version of District 1 corrects serious under-population problems associated with the 2001 version following the 2010 Census and preserves the African-American community's ability to elect its preferred candidate of choice. It increases the TBVAP for this District from 48.63% to 52.65%. As a result, more African-American residents of Section 5-covered counties reside in the 2011 version of District 1 than reside in District 1 in the 2001 benchmark plan. Thus the 2011 Plan maintains, and in fact increases, the African-American community's ability to elect its candidate of choice in District 1.

District 12

The original version of the Twelfth District was drawn in 1992 and established by the State in response to an objection issued by the United States Department of Justice to a Congressional Plan enacted in 1991. The District was subsequently challenged as an illegal racial gerrymander. In *Shaw v. Reno*, 509 U.S. 630 (1993), the United States Supreme Court ruled that the plaintiffs had stated a claim upon which relief could be granted, provided they were able to show at trial that the use of race in the drawing of District 12 predominated over all other criteria, and that the State could not articulate a compelling state interest for using race to draw a district. Then, in *Shaw v. Hunt*, 517 U.S. 899 (1996), the Supreme Court ruled that the State had in fact used race as the predominant criterion for drawing the Twelfth District.

The Court rejected the argument that the District was needed to avoid Section 2 liability, primarily based upon the Court's holding that the Twelfth District was not based upon a reasonably compact African-American population. Moreover, the location of the District did not remedy the vote dilution claim that might have been made by the minority population residing in south central and southeastern North Carolina or the area of the State that had been the subject of the objection by the Justice Department.

In response to the decision in *Shaw*, the General Assembly re-drew the Twelfth District in 1997 and used politics as the primary criterion. The State left the Twelfth District in a configuration that was similar to the version declared unconstitutional in *Shaw v. Hunt*, but argued that its intent in doing so was to create a very strong Democratic district. In *Easley v. Cromartie*, 532 U.S. 234 (2001), the United States Supreme Court rejected plaintiffs' claim that the 1997 version of District 12 constituted a racial gerrymander and affirmed the constitutionality of this District based upon the State's argument that the primary motive for drawing it the way it did was political.

The 2001 version of District 12 tracked the boundaries of the 1997 version. See *Attachment NC11-C-27N-1.* It was drawn in portions of six counties: Guilford, Forsyth, Davidson, Rowan, Cabarrus, and Mecklenburg. Only one of these counties is covered by Section 5 (Guilford). According to the 2001 Congressional submission by the State, under the 2000 Census, the Total African-American Population for the 1997 version of District 12 was 44.56%, as compared to 45.02% in the 2001 version.

Congressman Watt, an African American, has been elected from this District since 1992 and remains the current incumbent.

As the General Assembly approached redistricting in 2011, it was apparent that District 12 did not suffer from the same significant structural problems facing District 1. District 12 was only slightly over-populated by 2,847 or +0.39%. One of the concerns of the Redistricting Chairs was that in 1992, the Justice Department had objected to the 1991 Congressional Plan because of a failure by the State to create a second majority minority district combining the African-American community in Mecklenburg County with African-American and Native American voters residing in south central and southeastern North Carolina. *See Shaw v. Hunt,* 517 U.S. at 902. The Redistricting Chairs sought input from Congressman Watt regarding options for re-drawing his district. Congressman Watt expressed his opinion that African-American voters in Mecklenburg County were not politically cohesive with Native American voters residing in southeastern North Carolina. Based upon this comment the Chairs had the impression that Congressman Watt would oppose any redrawing of the Twelfth District which would result in its being drawn from Mecklenburg County into southeastern North Carolina as originally contemplated by the 1992 Justice Department objection. Congressman Watt also expressed to the Chairs a desire that African-American voters in Guilford and Forsyth, who were residents of the 2001 version of District 12, be retained in new District 12 or otherwise protected.

Based in part on this input from Congressman Watt, the Chairs recommended and the General Assembly enacted a version of District 12 that is similar to the

2001 version. See *Attachment NC11-C-27N-3.* The 2011 version of District 12 includes the same six counties that compose the 2001 version. Under the 2010 Census, the TBVAP for the 2001 version of District 12 is 43.77%. The TBVAP for the 2011 version is 50.66%. Thus, the 2011 version maintains, and in fact increases, the African-American community's ability to elect their candidate of choice in District 12.

Other Congressional Districts

The dispersed nature of the African-American population in North Carolina prevents the drawing of another majority African-American district that is based upon a reasonably compact minority population. No other plans presented to the General Assembly during the 2011 redistricting process identified an additional majority-minority district.

Under the 2001 Plan, there were no additional districts with a TBVAP in excess of 30%. The 2011 Plan creates a district that has a TBVAP of 31.71%, which exceeds the third highest TBVAP district found in the 2001 Plan, District 8 (27.95%). This district also contains high Democratic performing Voting Tabulation Districts ("VTDs").

In summary, the 2011 Congressional Plan recreates District 1 at a majority African-American level and continues District 12 as an African-American and very strong Democratic district that has continually elected a Democratic African American since 1992. The 2011 plan also provides for a third district with a higher TBVAP than any district found in the 2001 plan outside of Districts 1 and 12. Minority voters have clearly retained their ability to elect two preferred candidates of choice in the 2011 versions of District 1 and 12. There is no evidence that any other majority

African-American district could be created or that the General Assembly in any way discriminated against voters because of their race or color in enacting the 2011 Congressional Plan.

C-270. Past litigation relating to redistricting in North Carolina is the following:

Cavanagh v. Brock, 577 F. Supp. 176 (E.D.N.C. 1983) (Court held that the 1968 amendments to the North Carolina Constitution, Sections 3 and 5 of Article II, prohibiting the General Assembly from splitting counties in apportioning State Senate and House districts had no force or effect statewide once the United States Attorney General interposed an objection to their application to the 40 counties subject to Section 5 preclearance requirements under the Voting Rights Act. The federal court based its ruling on the court's interpretation of State law.)

Thornburg v. Gingles, 478 U.S. 30 (1986) (lawsuit brought under Section 2 of the Voting Rights Act, which established that single-member, rather than multi-member, House districts must be drawn in certain areas of the State and required redrawing of certain Senate districts in portions of the State.)

Pope v. Blue, 809 F. Supp. 392 (W.D.N.C.), *aff'd*, 506 U.S. 801 (1992) (lawsuit challenging the 1992 Congressional districting plan as an unconstitutional political gerrymander was dismissed because Republican plaintiffs could not establish they were shut out of the political process in North Carolina.)

Shaw v. Reno, 509 U.S. 630 (1993) (lawsuit challenging North Carolina's 12th Congressional district, which established that plaintiffs have an Equal Protection claim where a district plan is "so irrational on its face that it can be understood only as an effort to segregate

voters into separate districts on the basis of race, and that the separation lacks sufficient justification.")

Shaw v. Hunt, 517 U.S. 899 (1996) (the continuation of *Shaw v. Reno* with the Court holding the 12th Congressional district to be an unconstitutional racial gerrymander.)

Cromartie v. Hunt, 532 U.S. 234 (2001), name corrected by the Court to *Easley v. Cromartie*, 532 U.S. 1076 (2001) (a further challenge to a redrawn 12th Congressional district, in which the Court upheld the reconfigured district; the Court held that where racial identification correlates highly with political affiliation, the party attacking the legislatively drawn boundaries must show at least that the legislature could have achieved its legitimate political objectives in alternative ways that are comparably consistent with traditional districting principles and that those districting alternatives would have brought about significantly greater racial balance.)

Daly v. Leake, No. 5-96-CV-88-V (W.D.N.C.) (lawsuit filed January 21, 1997, which has been procedurally dormant, challenging several State Senate, as well as State House and congressional, districts on a *Shaw* theory that the districts were unconstitutional racial gerrymanders.)

Stephenson v. Bartlett, 355 N.C. 354, 562 S.E.2d 377 (2002) ("*Stephenson I*"); *Stephenson v. Bartlett*, 375 N.C. 301, 582 S.E.2d 247 (2003) ("*Stephenson II*") (lawsuit filed in State court challenging division of counties in drawing 2001 and 2002 State Senate and State House districts as being in violation of the State Constitution – held that under the North Carolina Constitution, counties cannot be divided in drawing

legislative districts except under specified circumstances, including compliance with federal law.)

Foreman v. Bartlett, C.A. No. 4:01-CV-166-BO(4) (E.D.N.C.) (lawsuit challenging 2001 Congressional plan on one person, one vote and Voting Rights Act, § 2, grounds.)

Pender County v. Bartlett, 361 N.C. 491, 649 S.E.2d 364 (2007), *aff'd sub nom Bartlett v. Strickland*, 556 U.S. 1 (2009) (lawsuit challenging division of Pender County into two State House districts in the 2003 House plan – held that Section 2 of the Voting Rights Act precludes a finding of Section 2 liability where a proposed majority minority district does not have at least 50% plus one minority population, and that the North Carolina Constitution required that Pender County be kept whole in any House districting plan.)

Dean v. Leake, No. 2:07-CV-00051-FL-AD-RC (E.D.N.C.) (lawsuit filed on November 21, 2007, challenging the 2003 Senate and House plans on the grounds that they did not use corrected Census data supplied to North Carolina in 2003 and on other grounds; the action was voluntarily dismissed in April 2010.)

Further discussion of these cases and how they affect redistricting in North Carolina is found in the Senate Submission at *Attachment NC11-S-27O-1.*

C-27P. The prior Congressional redistricting plan was precleared on February 15, 2002. See *Attachment NC11-C-27P-1.*

The procedure for redistricting the State Congressional districts after each decennial Census is set out in 2 U.S.C. §§ 2a and 2c, and in Article I, § 2, Clause 3, and § 4, Clause 1, of the United States Constitution. See *Attachment NC11-C-27H-1.*

C-27Q. Items required for redistricting and listed under 28 C.F.R. 51.28(a)(1) and (b)(1) are located at NC11-C-28A and NC11-C28B.

C-27R. Other Information – Discussion of Alternative Plans.

As discussed in C-27N above, the Rucho-Lewis Congress 3 Plan navigates the treacherous path between the competing interests of the Voting Rights Act and the Equal Protection Clause as interpreted by *Shaw* and its progeny. North Carolina's 2011 Plan essentially maintains, with minimal changes, what have been the central districts with regard to the Voting Rights Act: Districts 1 and 12.

Each of the alternative plans that were proposed was deficient in one way or another. Each of these alternatives – two of which were formally introduced in the legislative proceedings and one of which was offered by the Southern Coalition for Social Justice – is discussed below. Rucho-Lewis Congress 3 is superior to any of these alternatives in maintaining the position of racial minorities with respect to their effective exercise of the electoral franchise and their opportunity to elect Congressional members of their choice.

1. Fourth, Fair, Legal and Compact, discussed at *Attachment NC11-C-27R-1.*

2. Congressional Fair and Legal, discussed at Attachment NC11-C-27R-2.

3. Southern Coalition for Social Justice ("SCSJ") Congress, discussed at *Attachment NC11-C-27R-3.*

C-28A. Demographic Information.

C-28E. Language Usage – Not Applicable.

C-28F. Publicity and Participation Relating to Congressional Redistricting Plan.

1. Copies of articles from major North Carolina newspapers are included in the *Senate Submission at Attachment NC11-S-28F-1(a).*

2. All public hearings on the plan were joint public hearings held by the House Redistricting Committee and the Senate Redistricting Committee. These public hearings were held on the following dates: April 13, April 20, April 21, April 28, April 29, April 30, May 5, May 6, May 7, May 9, June 23, July 7 and July 18, 2011. Copies of the public notices for these public hearings are included in the Senate Submission *Attachment NC11-S-28F-2(a).* Copies of the distribution lists for the public notices for these public hearings are included in *Attachment NC11-S-28F-2(b) and (c).* Visitor lists for these public hearings are included in *Attachment NC11-S-28F-2(d).*

3. Copies of the transcripts for the joint public hearings are included in the *Senate Submission at Attachments NC11-S-28F-3(a)-(q):*

   Joint Public Hearings Dates:

   - April 13, 2011 – 3:00 p.m. / Wake / *NC11-S-28F-3(a)*
   - April 20, 2011 – 7:00 p.m. / Durham / NC11-S-28F-3(b)
   - April 21, 2011 – 7:00 p.m. / Cumberland / NC11-S-28F-3(c)
   - April 28, 2011 – 7:00 p.m. / Guilford / NC11-*S-28F-3(d)*

- April 29, 2011 – 7:00 p.m. / Harnett / NC11-S-28F-3(e)
- April 30, 2011 – 9:30 a.m. / Mecklenburg / NC11-S-28F-3(t)
- April 30, 2011 – 4:00 p.m. / Buncombe / NC11-S-28F-3(g)
- May 5, 2011 – 7:00 p.m. / New Hanover / NC11-S-28F-3(h)
- May 6, 2011 – 7:00 p.m. / Onslow / NC11-S-28F-3(i)
- May 7, 2011 – 9:30 a.m. / Pitt / NC11-S-28F-3(j)
- May 7, 2011 – 4:00 p.m. / Halifax / NC11-S-28F-3(k)
- May 9, 2011 – 4:00 p.m. / Wake / NC11-S-28F-*3(I)*
- June 23, 2011 – 3:00 p.m. / Wake / NC11-S-28F-3(m)
- July 7, 2011 – 3:00 p.m. / Wake / NC11-S-28F-3(n)
- July 18, 2011 – 3:00 p.m. / Wake / NC11-S-28F-3(o)
- July 18, 2011 – 3:00 p.m. / Mecklenburg / NC11-S-28F-3(p)
- July 18, 2011 – 3:00 p.m. / Buncombe / NC11-*S-28F-3(q)*

Each main site was linked to auxiliary sites through videoconferencing using the North Carolina Information Highway network. The auxiliary sites are listed on the cover page of each transcript and are shown in the Senate Submission at *Attachments NC11-S-27H-3 and 4.*

4. Statements, speeches, and other publications concerning proposed changes: See Joint Public Hearings transcripts included in *Senate Submission at Attachment NC11-S-28F-3(a)-(q),* Joint Meetings of the Redistricting Committees transcripts are included in *Senate Submission at Attachment NC11-S-28F-6(r)-(s).* See *Attachment NC11-S-28F-6(a)-(q)* in the Senate Submission for transcripts and other materials for the House Redistricting Committee, Senate Redistricting Committee, House Floor debate, and Senate Floor debate.

5. Correspondence: All correspondence is included in the Senate Submission. See correspondence of Senate Redistricting Committee Chairman Senator Bob Rucho included in *Attachment NC11-S-28F-5(a).* See correspondence of House Redistricting Committee Chairmen (Representative David R. Lewis, Representative Nelson Dollar and Representative Jerry C. Dockham) included in *Attachment NC11-S-28F-5(b)-(d).* See Joint Statements and other joint correspondence of the

Redistricting Chairs in *Attachment NC11-S-28F-5(e).*See public comment correspondence included in *Attachment NC11-H-28F-5(f).* See input from public hearings in *Attachment NC11-H-28F-5(g).*

6. Copies of the Minutes and Transcripts of the Senate Redistricting Committee Meetings, House Redistricting Committee Meetings, Senate Floor Debates, House Floor Debates, and Joint Meetings of the Redistricting Committees are included in *Senate Submission at NC11-S28F-6(a)-(s)* as follows:

Senate Redistricting Committee Meeting

- March 30, 2011 at 3:00 p.m. / Raleigh / NC11-S-28F-6(a)
- July 21, 2011 at 2:00 p.m. / Raleigh / NC11-S-28F-6(b)
- July 22, 2011 at 10:00 a.m. / Raleigh / NC11-S-28F-6(c)
- July 22, 2011 at 2:00 p.m. / Raleigh / NC11-*S-28F-6(d)*

House Redistricting Committee Meeting

- April 7, 2011 at 3:00 p.m. / Raleigh / *NC11-S-28F-6(f)* July 27, 2011 at 1:00 p.m. / Raleigh / *NC11-S-28F-6(i)*

Senate Floor Debates

- July 25, 2011 / Raleigh / *NC11-S-28F-6(l)*

House Floor Debates

- July 27, 2011 / Raleigh / *NC11-S-28F-6(q)*

Joint Meetings of the Redistricting Committees (in Senate Submission)

- June 15, 2011 at 9:00 a.m. / Raleigh / *NC11-S-28F-6*(r)
- July 21, 2011 at 10:00 a.m. / Raleigh / NC11-S-28F-6*(s)*

7. Copies of public access records and computer usage are included in the *Senate Submission at Attachment NC11-S-28F-7.*

C-28G. Availability of Submission.

1. A copy of the public notice that will be published announcing the submission to the United States

Attorney General of the materials required by 28 C.F.R. Part 51, informing the public that a complete duplicate copy of the submission is available for public inspection at the Legislative Library of the Legislative Office Building, Raleigh, North Carolina, and inviting comments to be addressed to the United States Attorney General is *Attachment NC11-C-28G-1.*

2. The publication list for the public notice of the submission is *Attachment NC11-C-28G-2.*

C-28H. Minority Group Contacts.

1. List of minority members of the North Carolina General Assembly with addresses is *Attachment NC11-C-28H-1.*

2. Copies of public hearing visitor lists are in Attachment NC11-C-28F-2(c) and Attachments NC11-C-28F-3(a)-(q).

3. Minority Groups Distribution Lists are in Attachment *NC11-C-28F-2(b).*

Comparison of Congressional Districts in Section 5 Counties

County	1997 Districts Included	2001 Districts Included	2011 Rucho Lewis Congressional 3	County
Anson	8	8	8	Anson
Beaufort	1, 3	1, 3	1, 3	Beaufort
Bertie	1	1	1	Bertie
Bladen	7	7	7	Bladen
Camden	3	3	3	Camden
Caswell	5	13	6	Caswell
Chowan	3	1	1,3	Chowan
Cleveland	9	10	10	Cleveland
Craven	1, 3	1, 3	1, 3	Craven
Cumberland	7, 8	2, 7, 8	2, 4, 7	Cumberland
Edgecombe	1	1	1, 13	Edgecombe
Franklin	2	2	1, 13	Franklin
Gaston	9	9, 10	10	Gaston
Gates	1	1	1, 3	Gates
Granville	1, 2	1, 13	1, 6, 13	Granville
Greene	1	1	1, 3	Greene
Guilford	6, 12	6, 12, 13	6, 12	Guilford
Halifax	1	1	1	Halifax
Harnett	2	2	2, 4	Harnett
Hertford	1	1	1	Hertford
Hoke	8	8	2, 7	Hoke
Jackson	11	11	11	Jackson
Lee	2	2	2	Lee
Lenoir	1, 3	1, 3	1, 3, 7	Lenoir
Martin	1	1	1	Martin
Nash	2	1, 2, 3	1, 13	Nash
Northampton	1	1	1	Northampton

County	1997 Districts Included	2001 Districts Included	2011 Rucho Lewis Congressional 3	County
Onslow	3	3	3	Onslow
Pasquotank	3	1	1, 3	Pasquotank
Perquimans	3	1	1, 3	Perquimans
Person	1, 4	13	6	Person
Pitt	1, 3	1, 3	1, 3	Pitt
Robeson	7, 8	7	7, 8	Robeson
Rockingham	5	5, 13	6	Rockingham
Scotland	8	7, 8	8	Scotland
Union	8	8, 9	8, 9	Union
Vance	1	1, 2	1, 13	Vance
Washington	1, 3	1	1, 3	Washington
Wayne	1, 3	1, 3	1, 13	Wayne
Wilson	1, 2	1, 3	1, 13	Wilson

Voting Age Population by Race and Ethnicity - District 3
C-51-3A Rucho-Lewis Congress 3

Data Source: 2010 Cen...

Shading Denotes a Split VTD			Voting Age Population by Race																Total Population by Ethnicity					
District	County	VTD	Total	White	% White	Black	% Black	NA	% NA	A/PI	% A/PI	Other	% Other	MR	% MR	MR Black	MR Bla	Total Black	% Total Black	Hisp	% Hisp	Non Hisp	Non Hisp	White Non Hisp	White Non Hisp
1	Beaufort	PSANS	1,607	900	39.18%	622	61.98%	1	0.07%	17	1.15%	46	3.05%	21	1.39%	14	0.88%	636	42.11%	80	5.07%	1,427	94.69%	478	31.62%
1	Beaufort	WASH1	1,590	854	50.33%	758	44.55%	5	0.30%	7	0.41%	68	2.84%	18	1.07%	10	0.59%	768	45.44%	90	5.33%	1,600	94.67%	819	48.49%
1	Beaufort	WASH2	1,737	912	48.75%	802	49.63%	4	0.23%	15	0.86%	25	1.44%	19	1.09%	9	0.52%	871	50.14%	55	3.17%	1,682	96.83%	786	45.83%
	Beaufort	Total	4,934	2,166	43.90%	2,942	91.52%	10	0.20%	39	0.79%	119	2.41%	58	1.18%	33	0.67%	2,875	52.19%	225	4.56%	4,709	95.44%	2,080	42.36%
1	Bertie	C1	960	486	50.30%	471	47.77%	3	0.30%	0	0.00%	6	0.61%	10	1.01%	6	0.61%	477	46.38%	8	0.81%	978	99.19%	483	50.00%
1	Bertie	C2	1,707	589	34.55%	1,098	64.21%	7	0.41%	0	0.00%	9	0.53%	8	0.35%	0	0.00%	1,098	64.21%	15	0.84%	1,691	99.06%	585	34.27%
1	Bertie	W	382	53	13.52%	338	86.22%	0	0.00%	0	0.00%	0	0.00%	1	0.26%	1	0.29%	339	86.48%	4	1.02%	388	98.98%	52	13.27%
1	Bertie	M1	845	418	49.47%	471	49.59%	5	0.55%	1	0.12%	9	0.00%	8	0.71%	5	0.59%	476	50.18%	0	0.00%	840	100.00%	418	49.73%
1	Bertie	M2	963	364	39.47%	883	59.31%	3	0.31%	1	0.10%	9	0.00%	8	0.81%	7	0.71%	580	60.02%	7	0.75%	976	99.29%	366	39.27%
1	Bertie	M1	811	336	41.43%	464	57.21%	3	0.37%	3	0.37%	1	0.12%	4	0.49%	0	0.00%	464	57.21%	2	0.25%	809	99.75%	336	41.43%
1	Bertie	RX	1,382	322	25.50%	958	73.43%	3	0.23%	0	0.00%	7	0.54%	4	0.31%	3	0.23%	958	73.66%	17	1.31%	1,285	98.69%	323	24.81%
1	Bertie	SN	1,025	222	21.66%	779	76.00%	5	0.49%	0	0.00%	15	1.46%	4	0.39%	4	0.39%	785	76.59%	26	2.54%	999	97.46%	212	20.78%
1	Bertie	W1	5,783	1,800	31.56%	3,733	65.26%	44	0.77%	58	1.02%	12	0.21%	66	1.16%	57	1.00%	3,780	66.26%	58	1.02%	5,645	98.98%	1,775	31.12%
1	Bertie	W2	784	720	96.47%	24	3.14%	2	0.26%	5	0.65%	0	0.00%	4	0.52%	4	0.52%	28	3.66%	1	0.13%	763	99.87%	716	93.75%
1	Bertie	WD	1,650	143	13.82%	878	83.71%	1	0.10%	7	0.67%	9	0.86%	11	1.05%	2	0.19%	881	83.90%	28	2.46%	1,024	97.52%	135	12.86%
1	Bertie	WH	1,274	766	60.28%	488	38.17%	1	0.08%	1	0.08%	2	0.16%	3	0.24%	2	0.16%	501	39.32%	3	0.24%	1,271	99.76%	769	60.38%
	Bertie	Total	10,946	6,274	37.24%	10,233	60.74%	75	0.45%	91	0.54%	91	0.54%	127	0.75%	91	0.54%	10,324	61.28%	168	1.00%	16,670	99.00%	6,212	36.88%
1	Chowan	1	2,477	1,081	43.64%	1,300	52.48%	2	0.08%	14	0.57%	62	2.50%	18	0.73%	9	0.36%	1,309	52.85%	80	3.23%	2,397	96.77%	1,070	43.20%
1	Chowan	2	3,437	2,012	58.54%	1,333	38.78%	12	0.35%	22	0.64%	31	0.90%	27	0.79%	7	0.20%	1,340	38.98%	56	1.93%	3,361	98.37%	1,997	58.10%
1	Chowan	4	994	520	52.31%	433	43.56%	7	0.70%	3	0.30%	15	1.51%	16	1.61%	7	0.70%	440	44.27%	23	2.31%	971	97.69%	516	51.91%
	Chowan	Total	6,888	3,613	52.45%	3,066	44.50%	21	0.30%	39	0.56%	108	1.56%	61	0.88%	23	0.33%	3,089	44.77%	159	2.33%	6,749	97.70%	3,583	51.97%
1	Craven	05	1,395	834	60.07%	489	35.77%	4	0.29%	18	1.29%	19	1.36%	17	1.22%	5	0.36%	504	36.15%	47	3.37%	1,348	96.63%	819	58.71%
1	Craven	07	2,527	1,669	66.05%	777	30.75%	13	0.51%	5	0.20%	38	1.54%	24	0.95%	9	0.36%	786	31.10%	71	2.81%	2,456	97.19%	1,644	65.06%
1	Craven	08	983	618	62.87%	329	33.47%	2	0.20%	5	0.51%	12	1.22%	17	1.73%	4	0.41%	333	33.88%	25	2.54%	958	97.46%	615	62.56%
1	Craven	09	634	356	56.15%	272	42.90%	1	0.16%	3	0.47%	0	0.00%	2	0.32%	0	0.00%	272	42.99%	4	0.63%	630	99.37%	354	55.84%
1	Craven	N1	2,642	1,364	51.59%	1,167	44.07%	7	0.26%	50	1.89%	30	1.13%	30	1.13%	16	0.69%	1,185	44.79%	82	3.10%	2,560	96.90%	1,328	50.15%
1	Craven	N2	2,668	858	32.25%	1,731	64.40%	10	0.37%	19	0.71%	26	0.97%	34	1.26%	27	1.00%	1,758	65.49%	67	2.40%	2,621	97.51%	844	31.40%
1	Craven	N4	5,124	2,967	57.90%	1,571	30.66%	24	0.47%	179	3.49%	271	5.29%	112	2.19%	35	0.68%	1,606	31.34%	515	10.05%	4,609	89.95%	2,788	54.37%
1	Craven	N5	2,417	1,140	47.17%	1,087	45.39%	9	0.37%	69	3.88%	92	2.19%	30	1.24%	19	0.62%	1,112	46.01%	97	4.01%	2,320	95.99%	1,100	45.76%
	Craven	Total	18,418	9,820	53.32%	7,443	40.42%	70	0.38%	368	2.00%	443	2.44%	280	1.44%	153	0.81%	7,556	41.03%	908	4.93%	17,509	95.07%	9,488	51.56%
1	Durham	01	1,808	827	45.74%	971	31.58%	22	1.22%	28	1.55%	334	18.47%	26	1.44%	13	0.72%	984	32.30%	907	33.57%	1,301	66.43%	591	32.68%
1	Durham	02	4,288	2,346	55.10%	960	23.02%	10	0.23%	304	11.84%	333	7.82%	85	2.00%	34	0.80%	1,014	23.81%	562	13.20%	3,696	86.80%	2,133	50.09%
1	Durham	03	2,030	1,617	79.65%	142	7.90%	4	0.20%	112	5.52%	104	5.12%	51	2.51%	16	0.79%	158	7.78%	209	10.10%	1,825	89.90%	1,529	75.32%
1	Durham	05	8,984	3,805	42.35%	2,158	24.02%	52	0.58%	1,980	22.04%	778	8.66%	211	2.35%	58	0.62%	2,214	24.64%	1,481	16.48%	7,505	83.52%	3,282	36.53%
1	Durham	06	2,544	1,315	51.69%	535	21.03%	17	0.67%	69	2.71%	561	22.06%	47	1.85%	14	0.55%	549	21.58%	936	36.79%	1,608	63.21%	969	38.27%
1	Durham	07	2,332	1,782	72.98%	337	14.45%	3	0.13%	113	4.85%	108	4.55%	71	3.04%	31	1.33%	368	15.78%	209	8.96%	2,123	91.04%	1,625	69.69%
1	Durham	08	2,156	726	34.14%	1,185	55.43%	19	0.88%	29	1.35%	116	5.38%	81	2.83%	37	1.72%	1,232	57.14%	208	9.65%	1,947	90.31%	675	31.31%
1	Durham	09	2,516	1,475	58.62%	850	34.08%	6	0.24%	87	2.27%	68	2.70%	30	1.19%	21	0.83%	861	35.81%	129	5.13%	2,387	94.87%	1,428	56.79%
1	Durham	10	1,650	172	10.42%	1,368	82.91%	7	0.42%	4	0.24%	78	4.73%	21	1.27%	18	1.09%	1,386	84.00%	141	8.55%	1,509	91.45%	126	7.64%
1	Durham	12	678	38	5.62%	594	88.06%	1	0.15%	5	0.75%	21	3.13%	10	1.49%	6	0.90%	600	89.55%	41	6.42%	627	93.58%	19	2.89%
1	Durham	13	1,343	38	2.83%	1,197	89.13%	7	0.52%	3	0.22%	79	5.88%	19	1.41%	18	1.34%	1,215	90.47%	103	7.67%	1,240	92.33%	23	1.71%
1	Durham	14	2,493	439	17.60%	1,547	62.05%	20	0.80%	6	0.24%	433	17.44%	36	1.53%	19	0.77%	1,566	63.07%	593	23.88%	1,890	76.12%	326	13.13%
1	Durham	15	1,900	585	30.79%	1,166	61.47%	17	0.89%	4	0.21%	272	14.32%	54	2.84%	25	1.32%	1,185	62.79%	482	25.37%	1,418	74.63%	227	11.95%
1	Durham	17	5,261	491	15.09%	2,258	69.18%	21	0.64%	15	0.46%	405	12.54%	69	2.12%	40	1.23%	2,290	70.41%	617	18.92%	2,644	81.08%	335	10.27%
1	Durham	18	3,559	816	22.93%	1,815	51.00%	38	1.07%	18	0.51%	791	22.23%	81	2.28%	29	0.81%	1,844	51.81%	1,426	40.07%	2,133	59.93%	288	8.09%
1	Durham	19	3,313	1,018	30.73%	1,838	55.48%	13	0.39%	24	0.72%	331	9.99%	69	2.08%	48	1.45%	1,868	56.83%	561	16.93%	2,752	83.07%	845	25.51%
1	Durham	20	2,493	1,446	58.00%	589	22.92%	20	0.80%	42	1.68%	354	14.60%	52	2.09%	20	0.80%	589	23.63%	574	23.02%	1,919	76.98%	1,283	50.86%
1	Durham	21	2,054	1,240	60.37%	514	25.02%	4	0.19%	37	1.80%	229	11.15%	30	1.46%	12	0.58%	526	25.61%	301	14.65%	1,753	85.35%	1,179	57.40%
1	Durham	22	5,377	1,837	19.29%	3,787	70.26%	19	0.35%	52	0.97%	436	7.55%	86	1.75%	57	1.06%	3,824	71.12%	905	16.25%	4,772	88.75%	930	16.74%
1	Durham	23	5,788	1,504	25.98%	3,713	64.15%	27	0.47%	150	2.59%	280	4.84%	114	1.97%	60	1.36%	3,793	65.53%	451	7.79%	5,337	92.21%	1,402	24.22%
1	Durham	24	4,337	2,621	64.80%	1,023	25.34%	17	0.42%	108	2.68%	213	5.28%	55	1.36%	25	0.62%	1,042	25.86%	370	9.17%	3,667	90.83%	2,506	62.08%
1	Durham	25	4,587	2,463	53.70%	1,627	35.47%	19	0.41%	23	0.50%	376	8.20%	79	1.72%	40	0.87%	1,667	36.34%	596	12.99%	3,991	87.01%	2,260	49.71%
1	Durham	30-1	8,122	2,846	48.12%	2,315	37.91%	49	0.80%	181	2.96%	542	8.85%	89	1.45%	37	0.60%	2,352	38.42%	669	14.19%	5,253	85.81%	2,894	44.91%
1	Durham	30-2	8,595	2,928	30.75%	4,962	61.56%	21	0.32%	97	1.47%	286	4.49%	91	1.38%	57	0.86%	4,119	62.48%	508	7.70%	6,087	92.30%	1,672	28.39%
1	Durham	31	4,076	2,147	52.75%	1,434	34.74%	41	1.01%	110	2.70%	275	6.76%	83	2.04%	44	1.08%	1,456	35.82%	471	11.57%	3,599	88.43%	2,010	49.39%
1	Durham	34	8,679	2,515	28.98%	4,854	58.35%	23	0.27%	482	5.32%	573	6.60%	172	1.98%	101	1.16%	5,035	58.01%	991	11.42%	7,689	88.58%	2,182	25.14%
1	Durham	40	2,018	1,070	53.08%	665	32.89%	14	0.69%	46	2.28%	174	8.63%	49	2.43%	21	1.04%	654	33.93%	301	14.93%	1,715	85.07%	973	48.26%
1	Durham	41	1,231	37	2.78%	1,226	92.11%	12	0.90%	4	0.30%	37	2.78%	15	1.13%	14	1.05%	1,240	93.16%	52	3.91%	1,279	96.09%	28	2.10%

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Asian= Non-Hispanic total (no Hispanic) Asian, Pacific Islander and other Pacific Islander
White= Race: non-Hispanic or Latino (of any race)

Redist Districts 4 Split VTD			Voting Age Population by Race																Total Population by Ethnicity					
District	County	VTD	Total	White	% White	Black	% Black	NA	% NA	API	% API	Other	% Other	MR	% MR	MR Black	% MR Black	MR Black	% Total Black	Hisp	% Hisp	Non Hisp	% Non Hisp	White Non Hisp	White Non Hisp
1	Durham	42	1,388	46	3.73%	1,138	58.20%	5	0.39%	0	0.00%	65	5.65%	14	1.08%	13	1.01%	1,149	59.21%	113	8.77%	1,175	91.23%	22	1.71%
1	Durham	46	4,923	1,805	36.49%	1,914	38.88%	12	0.24%	344	2.83%	840	17.06%	118	2.40%	55	1.12%	1,969	40.00%	1,166	23.68%	3,757	76.32%	1,654	33.60%
1	Durham	47	1,992	114	5.84%	1,838	93.86%	15	0.97%	2	0.10%	154	7.85%	30	1.54%	18	0.92%	1,851	94.58%	226	11.54%	1,728	88.42%	76	3.89%
1	Durham	52	4,089	686	16.85%	2,667	65.54%	33	0.81%	35	0.86%	566	13.91%	82	2.02%	54	1.33%	2,721	66.87%	786	19.37%	3,281	80.63%	529	12.93%
1	Durham	54	7,485	3,458	46.54%	2,914	39.08%	15	0.24%	660	8.87%	231	3.08%	184	2.16%	89	1.24%	3,007	40.12%	513	6.84%	6,982	93.16%	3,271	43.64%
1	Durham	56	4,212	118	2.80%	3,666	82.31%	20	0.47%	9	0.21%	140	3.32%	37	0.88%	29	0.69%	3,917	93.00%	174	4.13%	4,038	95.87%	83	1.97%
1	Durham	Total	121,886	44,524	36.61%	38,360	48.04%	838	0.52%	6,153	4.23%	10,365	8.69%	2,333	1.91%	1,185	0.89%	50,736	43.02%	17,363	14.24%	104,532	85.76%	39,373	32.30%
1	Edgecombe	3101	2,774	255	15.16%	2,347	84.61%	2	0.07%	2	0.07%	49	1.77%	9	0.32%	4	0.14%	2,351	84.75%	53	1.91%	2,721	98.09%	360	12.98%
1	Edgecombe	3102	3,669	1,928	52.29%	1,672	45.32%	9	0.24%	8	0.22%	33	0.89%	38	1.03%	21	0.57%	1,692	45.89%	74	2.01%	3,615	97.99%	1,904	51.61%
1	Edgecombe	3104	2,236	1,263	56.45%	900	40.25%	2	0.09%	13	0.58%	31	1.39%	9	0.40%	4	0.18%	924	41.29%	65	2.90%	2,173	97.10%	1,264	56.56%
1	Edgecombe	3201	1,459	797	54.62%	655	44.89%	5	0.34%	2	0.14%	30	2.06%	8	0.55%	4	0.27%	669	45.87%	47	3.22%	1,412	96.78%	748	51.13%
1	Edgecombe	3301	573	312	54.45%	243	42.41%	0	0.00%	0	0.00%	12	2.09%	6	1.05%	4	0.70%	247	43.11%	20	3.49%	553	96.51%	306	53.40%
1	Edgecombe	3401	760	318	45.14%	388	52.29%	3	0.43%	2	0.28%	13	1.80%	0	0.00%	0	0.00%	396	57.29%	19	2.71%	681	97.29%	312	44.57%
1	Edgecombe	3501	902	464	40.78%	328	34.98%	7	0.31%	2	0.21%	130	13.95%	9	0.97%	3	0.32%	329	35.30%	162	17.38%	770	82.62%	436	46.78%
1	Edgecombe	3601	1,207	379	31.40%	776	64.46%	7	0.58%	1	0.08%	21	1.74%	21	1.74%	14	1.16%	782	65.02%	39	3.23%	1,165	96.77%	373	30.90%
1	Edgecombe	3701	2,755	838	32.00%	1,731	62.86%	20	0.73%	9	0.33%	65	2.09%	9	0.33%	4	0.15%	1,735	63.02%	110	4.00%	2,643	96.00%	876	31.83%
1	Edgecombe	3901	19	15	78.95%	4	21.05%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	4	21.05%	0	0.00%	19	100.00%	15	78.95%
1	Edgecombe	1101	305	134	43.93%	151	49.51%	0	0.00%	0	0.00%	16	5.90%	3	0.98%	1	0.33%	152	49.84%	42	12.77%	263	86.23%	111	36.39%
1	Edgecombe	1201	4,139	237	5.74%	3,836	92.74%	12	0.29%	2	0.05%	19	0.31%	35	0.85%	31	0.75%	3,861	93.49%	35	0.80%	4,037	99.20%	222	5.54%
1	Edgecombe	1202	2,405	172	7.15%	2,197	91.35%	11	0.46%	2	0.08%	2	0.08%	21	0.87%	18	0.75%	2,215	92.10%	14	0.58%	2,391	99.42%	168	6.99%
1	Edgecombe	1203	2,559	1,157	45.21%	1,342	52.44%	3	0.12%	6	0.23%	28	1.09%	23	0.90%	17	0.66%	1,359	53.11%	52	2.03%	2,507	97.97%	1,156	44.38%
1	Edgecombe	1204	1,750	65	3.69%	1,639	93.66%	5	0.29%	1	0.06%	2	0.11%	14	0.80%	11	0.63%	1,650	94.29%	8	0.46%	1,742	99.54%	89	5.09%
1	Edgecombe	1205	1,428	28	2.00%	1,376	96.36%	3	0.21%	1	0.07%	7	0.49%	12	0.84%	11	0.77%	1,387	97.13%	8	0.56%	1,420	99.44%	29	2.03%
	Edgecombe	Total	28,021	8,621	30.48%	18,577	67.69%	82	0.28%	51	0.18%	474	1.64%	216	0.75%	147	0.51%	19,724	68.39%	748	2.58%	28,173	97.42%	8,339	28.83%
1	Franklin	03	2,661	1,315	49.42%	1,233	46.34%	8	0.30%	29	0.99%	42	1.56%	37	1.36%	28	0.94%	1,288	47.28%	93	3.49%	2,568	96.51%	1,279	48.06%
1	Franklin	05	1,799	871	45.64%	828	46.08%	8	0.44%	1	0.06%	*20	7.12%	12	0.67%	10	0.56%	836	46.64%	171	9.51%	1,628	90.49%	785	44.19%
1	Franklin	09	1,548	873	56.40%	608	39.15%	9	0.58%	10	0.65%	21	1.36%	29	1.87%	14	0.90%	620	40.05%	71	4.59%	1,477	95.41%	841	54.33%
1	Franklin	10	1,280	676	52.50%	352	27.50%	25	1.95%	4	0.31%	*14	1.09%	7	0.55%	5	0.39%	357	27.89%	40	3.13%	1,240	96.88%	863	67.42%
1	Franklin	11	2,087	1,170	53.19%	876	41.97%	15	0.72%	1	0.05%	50	2.68%	29	1.39%	12	0.57%	888	42.55%	127	6.09%	1,960	93.91%	1,059	50.86%
1	Franklin	15	2,987	1,389	42.48%	1,933	61.32%	9	0.30%	9	0.30%	141	4.72%	26	0.87%	13	0.44%	1,946	61.76%	225	7.53%	2,762	92.47%	1,251	60.21%
1	Franklin	16	2,359	1,191	50.51%	1,059	44.91%	11	0.47%	*16	0.68%	54	2.29%	27	1.15%	10	0.42%	1,069	45.34%	122	5.17%	2,236	94.83%	1,151	48.81%
1	Franklin	Total	14,720	7,457	50.66%	6,469	44.06%	85	0.58%	67	0.46%	456	3.10%	187	1.15%	89	0.60%	8,577	44.08%	849	5.77%	13,871	94.23%	7,188	48.83%
1	Gates	1	1,869	756	47.13%	850	50.33%	9	0.53%	5	0.30%	3	0.18%	26	1.54%	20	1.18%	870	51.51%	11	0.65%	1,678	99.35%	792	46.89%
1	Gates	48	1,084	344	31.13%	497	46.71%	4	0.38%	2	0.19%	3	0.28%	14	1.32%	8	0.75%	505	47.46%	12	1.13%	1,062	98.87%	337	30.47%
	Gates	Total	2,753	1,100	48.67%	1,347	48.93%	13	0.47%	7	0.25%	6	0.22%	40	1.45%	28	1.02%	1,375	49.95%	23	0.84%	2,730	99.16%	1,129	48.27%
1	Granville	AH-TI	1,097	412	37.90%	646	59.43%	3	0.28%	7	0.64%	15	1.38%	4	0.37%	4	0.37%	650	59.80%	23	2.12%	1,064	97.56%	405	37.28%
1	Granville	BTNR	6,595	4,762	48.13%	4,258	43.04%	126	1.30%	42	0.42%	522	5.28%	161	1.63%	79	0.80%	4,339	43.84%	1,220	12.33%	8,679	87.67%	4,222	42.67%
1	Granville	CORI	2,668	1,565	58.28%	813	30.47%	10	0.37%	8	0.30%	205	9.93%	17	0.64%	5	0.19%	818	30.55%	327	12.20%	2,341	87.74%	1,550	58.22%
1	Granville	CROL	2,054	964	47.91%	966	48.00%	5	0.24%	12	0.58%	49	2.44%	21	1.62%	15	0.73%	1,001	48.73%	65	3.51%	1,968	96.09%	864	42.03%
1	Granville	EAGR	2,162	923	42.89%	1,177	54.19%	13	0.60%	12	0.56%	21	0.97%	22	1.02%	10	0.46%	1,181	54.63%	49	2.27%	2,113	97.73%	911	42.14%
1	Granville	BALM	2,009	1,274	63.47%	645	32.11%	2	0.10%	31	1.54%	41	2.04%	16	0.80%	6	0.30%	651	32.40%	82	4.08%	1,927	95.92%	1,245	61.97%
1	Granville	SOOX	1,706	841	51.79%	1,084	63.54%	6	0.35%	13	0.76%	38	2.23%	24	1.41%	20	1.17%	1,104	64.71%	185	8.15%	1,801	93.85%	465	29.62%
1	Granville	TYHO	4,219	3,430	81.32%	649	15.39%	13	0.31%	12	0.28%	83	1.97%	32	0.76%	11	0.26%	660	15.64%	151	3.58%	4,068	96.42%	3,366	79.83%
1	Granville	WOLL	1,599	751	44.22%	882	51.91%	1	0.06%	3	0.18%	56	3.41%	4	0.24%	2	0.12%	884	52.03%	67	3.94%	1,632	96.06%	747	43.97%
	Granville	Total	37,499	14,632	53.21%	11,135	40.49%	182	0.66%	149	0.54%	1,088	3.96%	321	1.17%	156	0.57%	11,285	41.06%	2,982	7.61%	25,407	92.39%	13,897	50.38%
1	Greene	AREA	1,121	543	48.44%	492	43.89%	7	0.62%	0	0.00%	70	6.24%	9	0.80%	6	0.54%	498	44.42%	101	9.01%	1,020	90.99%	525	46.83%
1	Greene	BULL	1,249	672	53.80%	427	34.19%	9	0.72%	0	0.00%	136	10.89%	5	0.40%	0	0.00%	427	34.19%	199	15.93%	1,050	84.07%	616	49.32%
1	Greene	SHI	2,002	1,088	54.35%	801	40.01%	1	0.05%	8	0.40%	91	4.55%	13	0.65%	8	0.40%	809	40.41%	113	5.64%	1,889	94.36%	1,071	53.50%
1	Greene	SNIN	1,989	1,269	63.80%	540	27.15%	10	0.50%	7	0.35%	136	6.84%	25	1.26%	8	0.39%	548	27.55%	254	12.77%	1,735	87.23%	1,178	59.23%
1	Greene	SUGG	1,769	931	51.30%	486	38.22%	7	0.55%	7	0.55%	109	8.58%	10	0.78%	3	0.24%	489	38.46%	139	10.72%	1,133	89.28%	629	49.57%
1	Greene	WALS	1,086	510	46.83%	380	34.87%	11	1.00%	0	0.00%	179	16.33%	16	1.46%	4	0.38%	384	35.04%	267	20.19%	823	73.81%	422	38.50%
	Greene	Total	9,726	4,733	54.24%	3,126	35.81%	45	0.52%	22	0.25%	723	8.29%	78	0.89%	27	0.31%	3,162	36.12%	1,080	12.49%	7,636	87.51%	4,439	50.87%
1	Halifax	BUTWO	456	160	36.47%	265	58.11%	7	1.54%	0	0.00%	2	0.44%	2	0.44%	0	0.00%	265	58.11%	2	0.44%	454	99.56%	160	39.47%
1	Halifax	CONC	404	104	25.74%	272	67.33%	1	0.25%	1	0.25%	26	6.19%	1	0.25%	0	0.00%	272	67.33%	30	7.43%	374	92.57%	99	24.50%
1	Halifax	ENF1	1,366	203	14.83%	1,159	83.90%	5	0.36%	5	0.36%	4	0.29%	12	0.86%	10	0.72%	1,169	84.22%	9	0.65%	1,379	99.35%	201	14.46%
1	Halifax	ENF2	1,821	236	12.93%	1,574	86.44%	4	0.22%	0	0.00%	5	0.27%	8	0.44%	5	0.27%	1,579	86.71%	15	0.82%	1,806	99.18%	224	12.30%
1	Halifax	ENF3	1,251	287	22.94%	937	74.90%	7	0.56%	5	0.40%	8	0.48%	9	0.72%	6	0.64%	945	75.54%	13	1.04%	1,238	98.96%	285	22.78%

Voting Age Population by Race and Ethnicity - District 1
C_ST-1A Rucho-Lewis Congress 3

Data Source: 2010 Census

Redistricting Database: Split VTD			Voting Age Population by Race																Total Population by Ethnicity						
District	County	VTD	Total	White	% White	Black	% Black	NA	% NA	A/PI	% A/PI	Other	% Other	MR	% MR	MR Black	% MR Black	TOT Black	% Total Black	Hisp	% Hisp	Non Hisp	% Non Hisp	White Non Hisp	% White Non Hisp
1	Halifax	FAUCT	1,418	491	80.61%	532	37.57%	4	0.28%	4	0.28%	3	0.21%	12	0.85%	8	0.56%	540	38.14%	11	0.78%	1,405	99.22%	854	60.31%
1	Halifax	HAL	2,413	647	26.81%	1,698	70.37%	32	1.33%	4	0.17%	12	0.50%	20	0.83%	18	0.75%	1,716	71.11%	35	1.45%	2,378	98.55%	624	25.86%
1	Halifax	HOB	529	231	43.66%	300	56.71%	0	0.00%	0	0.00%	6	1.11%	2	0.37%	2	0.37%	302	56.03%	14	2.60%	525	97.40%	224	41.56%
1	Halifax	HOL	2,515	140	5.61%	2,101	83.78%	1,223	48.63%	2	0.08%	3	0.12%	40	1.56%	28	1.11%	1,129	44.89%	30	1.19%	2,485	98.81%	148	5.81%
1	Halifax	LIT1	1,724	526	30.63%	1,147	66.53%	21	1.22%	3	0.17%	15	0.87%	10	0.58%	7	0.41%	1,154	66.94%	21	1.22%	1,703	98.78%	525	30.48%
1	Halifax	LIT2	1,991	1,333	71.21%	615	26.08%	15	0.94%	7	0.44%	7	0.44%	14	0.88%	4	0.25%	419	26.34%	12	0.75%	1,579	99.25%	1,132	71.15%
1	Halifax	PAL	324	58	17.28%	255	78.70%	0	0.00%	2	0.62%	8	2.47%	3	0.93%	1	0.31%	256	79.01%	9	2.78%	315	97.22%	55	16.98%
1	Halifax	RINGW	1,369	181	13.22%	1,112	81.23%	50	3.65%	1	0.07%	8	0.58%	17	1.24%	9	0.66%	1,121	81.88%	11	0.80%	1,358	99.20%	180	13.15%
1	Halifax	ROBEN	487	232	49.66%	230	49.25%	0	0.00%	1	0.21%	4	0.86%	0	0.00%	0	0.00%	230	49.25%	7	1.50%	460	98.50%	229	49.04%
1	Halifax	RR 1	1,071	1	93.71%	350	32.68%	8	0.75%	9	0.84%	19	1.77%	8	0.75%	7	0.65%	357	33.33%	41	3.83%	1,030	96.17%	664	62.00%
1	Halifax	RR 10	2,804	1,816	64.78%	791	28.21%	18	0.64%	101	3.60%	58	2.07%	22	0.78%	10	0.36%	801	28.57%	102	3.64%	2,702	96.36%	1,781	63.52%
1	Halifax	RR 11	2,725	1,756	64.44%	871	31.96%	31	1.14%	26	0.95%	22	0.81%	20	0.73%	5	0.18%	876	32.15%	58	2.13%	2,667	97.87%	1,738	63.78%
1	Halifax	RR 2	503	375	74.55%	108	21.47%	8	1.59%	3	0.60%	0	0.00%	9	1.79%	6	1.19%	114	22.66%	1	0.20%	502	99.80%	374	74.35%
1	Halifax	RR 3	1,211	1,056	88.71%	139	11.46%	2	0.17%	11	0.91%	4	0.33%	5	0.41%	2	0.17%	141	11.64%	17	1.40%	1,194	98.60%	1,041	85.96%
1	Halifax	RR 4	1,009	888	87.90%	77	7.84%	4	0.40%	20	1.98%	16	1.59%	5	0.50%	0	0.00%	77	7.84%	28	2.55%	982	97.42%	876	86.90%
1	Halifax	RR 5	1,134	812	71.60%	272	23.99%	9	0.79%	6	0.53%	24	2.12%	11	0.97%	6	0.53%	278	24.51%	30	2.65%	1,104	97.35%	807	71.16%
1	Halifax	RR 6	1,078	883	82.06%	145	13.48%	4	0.37%	22	2.04%	13	1.21%	9	0.84%	6	0.56%	151	14.03%	29	2.79%	1,048	97.21%	870	80.88%
1	Halifax	RR 7	1,403	491	35.00%	887	61.80%	2	0.14%	5	0.36%	29	2.07%	9	0.64%	4	0.29%	871	62.08%	32	2.28%	1,371	97.72%	487	34.71%
1	Halifax	RR 8	1,349	743	55.08%	560	41.51%	4	0.30%	9	0.67%	16	1.19%	17	1.26%	4	0.30%	564	41.81%	38	2.82%	1,311	97.18%	731	54.19%
1	Halifax	RR 9	3,078	1,176	38.30%	1,823	59.27%	34	1.11%	5	0.20%	8	0.26%	27	0.88%	11	0.36%	1,834	59.62%	41	1.33%	3,035	98.67%	1,166	37.91%
1	Halifax	SN1	1,690	127	7.70%	1,517	91.94%	2	0.12%	0	0.00%	0	0.00%	4	0.24%	2	0.12%	1,518	92.06%	9	0.56%	1,641	99.45%	122	7.39%
1	Halifax	SN 2	1,256	680	54.14%	561	44.67%	4	0.32%	3	0.24%	8	0.48%	2	0.16%	2	0.16%	563	44.82%	13	1.04%	1,243	98.96%	673	53.50%
1	Halifax	WEL 1	1,089	224	20.40%	826	75.41%	7	0.64%	3	0.27%	17	1.55%	19	1.73%	11	1.00%	839	76.41%	27	2.46%	1,071	97.54%	220	20.04%
1	Halifax	WEL 2	629	256	40.70%	359	57.07%	1	0.16%	6	0.95%	2	0.32%	5	0.79%	5	0.79%	364	57.87%	2	0.32%	627	99.68%	256	40.70%
1	Halifax	WEL 3	2,402	770	32.06%	1,556	64.78%	28	1.17%	15	0.62%	14	0.58%	17	0.71%	11	0.46%	1,569	65.32%	31	1.29%	2,371	98.71%	739	30.77%
	Halifax	Total	42,073	17,743	42.17%	21,823	51.87%	1,535	3.65%	279	0.66%	354	0.84%	338	0.81%	192	0.46%	22,016	52.33%	717	1.70%	41,356	98.30%	17,631	41.91%
1	Hertford	A1	2,412	1,062	43.62%	1,245	51.62%	40	1.66%	36	1.56%	11	0.46%	26	1.08%	18	0.75%	1,281	52.29%	31	1.29%	2,381	98.71%	1,043	43.24%
1	Hertford	A2	2,548	1,226	48.12%	1,232	48.35%	17	0.67%	19	0.43%	54	1.33%	26	1.10%	11	0.43%	1,243	48.78%	51	2.00%	2,497	98.00%	1,217	47.76%
1	Hertford	A3	1,442	907	7.42%	1,283	88.97%	38	2.50%	5	0.35%	5	0.35%	8	0.42%	8	0.42%	1,288	60.39%	4	0.28%	1,439	99.72%	105	7.28%
1	Hertford	BR	529	106	19.85%	415	78.45%	1	0.19%	1	0.19%	2	0.38%	5	0.95%	5	0.95%	420	79.40%	4	0.76%	525	99.24%	102	19.28%
1	Hertford	CM	517	307	59.38%	188	36.36%	0	0.00%	1	0.19%	2	0.39%	9	1.74%	5	0.97%	200	38.26%	8	1.55%	509	98.45%	303	58.61%
1	Hertford	CO	692	157	22.69%	475	68.64%	22	3.18%	5	0.60%	13	1.88%	25	3.61%	14	2.00%	486	70.23%	15	2.17%	677	97.83%	155	22.40%
1	Hertford	HV	1,356	478	45.35%	543	52.41%	2	0.15%	0	0.00%	8	0.77%	7	0.68%	3	0.29%	548	52.70%	14	1.35%	1,022	98.65%	470	45.37%
1	Hertford	WI	3,348	1,204	36.99%	2,364	81.35%	12	0.36%	23	0.72%	20	0.57%	24	0.72%	13	0.39%	2,387	81.74%	21	2.12%	3,237	97.88%	1,177	35.18%
1	Hertford	M2	1,481	519	34.91%	901	61.67%	3	0.21%	10	0.68%	23	1.57%	14	0.95%	10	0.68%	911	62.35%	49	3.35%	1,412	96.65%	502	34.30%
1	Hertford	ML	796	580	79.43%	127	58.01%	0	0.00%	4	0.57%	2	0.28%	12	1.70%	6	0.85%	133	18.67%	8	1.15%	687	98.87%	554	78.58%
1	Hertford	SL	924	388	41.13%	533	57.68%	5	0.54%	5	0.00%	4	0.43%	2	0.22%	1	0.11%	534	57.79%	7	0.76%	917	99.24%	378	40.69%
1	Hertford	UN	1,163	400	39.56%	656	56.56%	14	1.20%	1	0.09%	14	1.20%	16	1.38%	10	0.69%	666	57.44%	19	1.63%	1,144	98.37%	456	39.35%
1	Hertford	WA	2,695	864	32.08%	1,735	64.38%	68	2.52%	7	0.26%	4	0.15%	17	0.63%	12	0.45%	1,747	64.82%	224	8.31%	2,471	91.69%	888	24.79%
	Hertford	Total	19,672	7,408	36.06%	11,299	58.54%	230	1.13%	169	0.83%	191	0.78%	191	0.89%	112	0.58%	11,511	58.12%	955	2.56%	18,067	97.41%	7,130	36.62%
1	Lenoir	KI	1,242	28	2.25%	1,202	96.78%	2	0.16%	1	0.08%	2	0.16%	7	0.56%	7	0.56%	1,209	97.34%	8	0.72%	1,233	99.28%	28	2.25%
1	Lenoir	KO	1,373	109	7.94%	1,256	90.02%	1	0.07%	2	0.15%	14	1.02%	11	0.80%	7	0.51%	1,263	90.53%	22	1.46%	1,355	98.54%	109	7.94%
1	Lenoir	KI	1,647	979	37.57%	683	57.36%	5	0.32%	19	0.95%	38	2.93%	26	1.62%	13	0.84%	696	58.14%	88	5.71%	1,453	94.29%	542	35.17%
1	Lenoir	KS	1,622	655	40.38%	925	57.03%	3	0.18%	18	1.11%	12	0.74%	9	0.56%	7	0.43%	932	57.46%	24	1.48%	1,598	98.52%	647	39.88%
1	Lenoir	KE	2,322	341	14.69%	1,938	83.48%	8	0.26%	14	0.60%	10	0.43%	13	0.56%	10	0.43%	1,948	83.89%	32	1.38%	2,290	98.62%	333	14.34%
1	Lenoir	KI	2,150	382	18.23%	1,724	79.26%	9	0.42%	8	0.26%	18	0.84%	21	0.98%	16	0.84%	1,722	80.09%	40	1.86%	2,110	98.14%	360	17.67%
1	Lenoir	KE	1,119	6	0.54%	1,100	98.39%	6	0.54%	1	0.09%	0	0.00%	5	0.45%	5	0.45%	1,105	98.84%	3	0.27%	1,116	99.73%	6	0.54%
1	Lenoir	KO	1,990	891	49.65%	931	46.80%	5	0.23%	31	1.55%	19	0.95%	21	1.05%	8	0.40%	939	47.00%	50	2.50%	1,948	97.50%	864	48.26%
1	Lenoir	MH	4,381	2,347	53.57%	1,775	40.52%	18	0.41%	24	0.55%	178	4.06%	39	0.89%	17	0.39%	1,792	40.90%	278	6.35%	4,103	93.65%	2,272	51.86%
1	Lenoir	SH	945	762	82.75%	119	12.59%	3	0.32%	2	0.21%	29	3.07%	10	1.06%	1	0.11%	120	12.70%	62	6.56%	883	94.56%	700	82.42%
1	Lenoir	V	2,018	815	40.38%	1,090	54.01%	9	0.39%	4	0.20%	91	4.51%	12	0.59%	6	0.50%	1,096	54.31%	121	6.00%	1,897	94.00%	795	39.30%
	Lenoir	Total	20,710	7,065	34.02%	12,903	62.30%	84	0.41%	113	0.55%	412	1.99%	173	0.84%	96	0.46%	13,002	62.78%	757	3.46%	18,993	96.54%	6,832	32.99%
1	Martin	GN	903	334	36.91%	543	60.09%	3	0.33%	0	0.00%	22	2.43%	3	0.33%	1	0.11%	544	60.11%	42	4.64%	863	95.36%	326	36.06%
1	Martin	HM	629	346	41.55%	527	55.73%	3	0.32%	3	0.32%	2	0.32%	7	0.75%	4	0.43%	531	57.16%	11	1.15%	918	98.82%	382	41.12%
1	Martin	HB	312	124	39.74%	188	60.26%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	188	60.26%	0	0.00%	312	100.00%	124	39.74%
1	Martin	J	883	384	43.49%	351	53.75%	8	0.82%	0	0.00%	0	0.00%	12	1.64%	11	1.66%	362	55.44%	2	0.31%	651	99.69%	283	43.34%
1	Martin	R1	1,196	434	36.29%	706	90.00%	4	0.33%	6	0.50%	42	3.51%	4	0.33%	3	0.25%	709	59.28%	57	4.77%	1,139	95.23%	423	35.37%

Analysis, Assumptions, opinions, Assessments, Statistical results, and other results Based on Weighty Blocks, made Based on Census or any data.

Reading Senate 2 Split VTD			Voting Age Population by Race																Total Population by Ethnicity					
District	County	VTD	Total	White	% White	Black	% Black	NA	% NA	Asn	% Asn	Other	% Other	Mlt	% Mlt	Mlt Black	Mlt Black	Total Black	Total Bkg	Hisp	% Hisp	Non Hisp	Non Hisp Bkg	White Non Hisp	White Non Hisp %
1	Martin	101	1,538	525	34.18%	973	63.35%	3	0.20%	3	0.20%	20	1.30%	12	0.78%	6	0.39%	975	63.74%	36	2.34%	1,502	97.66%	512	33.33%
1	Martin	401	3,583	1,753	48.94%	1,708	47.68%	5	0.14%	23	0.64%	73	2.03%	31	0.86%	18	0.50%	1,726	48.01%	126	3.50%	3,465	96.44%	1,718	47.84%
1	Martin	402	3,350	1,693	47.42%	1,592	59.37%	9	0.27%	14	0.42%	19	0.57%	22	0.65%	12	0.36%	1,704	50.73%	41	1.22%	3,318	98.78%	1,568	47.26%
1	Martin	Total	12,493	5,445	43.58%	6,888	55.16%	53	0.76%	49	0.39%	179	1.43%	91	0.73%	56	0.45%	6,742	54.01%	317	2.54%	12,186	97.49%	5,351	42.83%
1	Wash	0802	1,178	670	43.89%	568	48.30%	3	0.26%	1	0.09%	16	1.36%	12	1.02%	9	0.77%	577	49.06%	28	2.38%	1,148	97.62%	570	48.47%
1	Wash	0803	1,540	975	63.31%	497	31.67%	15	0.97%	8	0.52%	33	2.14%	19	1.23%	17	1.10%	504	32.73%	55	3.57%	1,485	96.43%	966	62.68%
1	Wash	0807	2,219	852	38.40%	1,257	56.42%	50	2.25%	2	0.09%	38	1.83%	27	1.22%	23	0.98%	1,272	57.32%	48	2.16%	2,171	97.84%	845	38.06%
1	Wash	0811	3,265	1,798	84.73%	1,280	39.27%	26	0.78%	9	0.18%	123	3.74%	42	1.29%	22	0.67%	1,312	39.94%	170	5.18%	3,115	94.82%	1,783	53.87%
1	Wash	0821	644	275	32.70%	346	64.69%	1	0.12%	3	0.38%	13	1.54%	5	0.59%	5	0.59%	351	65.28%	10	2.13%	626	97.87%	276	32.70%
1	Wash	0822	1,081	489	47.03%	536	50.52%	11	1.04%	3	0.28%	0	0.00%	12	1.13%	5	0.28%	539	50.80%	7	0.66%	1,054	99.34%	485	48.85%
1	Wash	0825	10	0	0.00%	10	100.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	10	100.00%	0	0.00%	10	100.00%	0	0.00%
1	Wash	0831	1,473	458	30.96%	951	63.20%	17	1.15%	35	2.38%	7	0.48%	27	1.83%	14	0.68%	945	64.15%	22	1.49%	1,451	98.51%	444	30.14%
1	Wash	0832	1,842	819	42.12%	1,010	54.79%	10	0.51%	9	0.49%	33	1.79%	8	0.41%	6	0.31%	1,070	55.18%	49	2.52%	1,893	97.48%	803	41.33%
1	Wash	0833	2,422	485	19.12%	1877	76.74%	11	0.45%	17	0.70%	7	0.29%	17	0.70%	11	0.45%	1,918	79.19%	26	1.16%	2,384	98.84%	449	18.54%
1	Wash	0834	3,684	961	24.87%	2,788	72.16%	24	0.62%	13	0.34%	32	0.83%	46	1.19%	34	0.88%	2,823	73.06%	65	1.68%	3,795	98.32%	943	24.40%
1	Wash	0837	1,265	395	28.72%	742	58.89%	17	1.34%	33	2.61%	52	4.48%	15	1.19%	8	0.47%	749	59.13%	137	10.83%	1,128	89.17%	341	26.96%
1	Wash	0838	3,234	1,341	47.05%	1,809	46.66%	36	1.11%	61	1.88%	30	0.93%	57	1.76%	29	0.90%	1,838	47.36%	85	2.63%	3,149	97.37%	1,912	48.75%
1	Wash	0840	6,575	3,084	47.00%	2,800	44.41%	52	0.79%	138	2.97%	248	4.38%	86	1.26%	48	0.70%	2,868	45.11%	438	6.66%	6,135	93.32%	2,865	48.40%
	Wash	Total	30,810	12,680	41.00%	16,951	53.55%	273	0.88%	327	1.06%	700	2.26%	371	1.20%	262	0.77%	16,773	54.78%	1,181	3.72%	28,758	96.28%	12,394	40.10%
1	Northampton	CONWAY	942	382	61.78%	343	36.41%	0	0.00%	0	0.00%	6	0.65%	5	0.96%	6	0.64%	340	37.05%	16	1.70%	938	98.30%	575	61.04%
1	Northampton	CREEKS	682	437	63.15%	249	35.98%	0	0.00%	4	0.58%	2	0.29%	2	0.29%	2	0.29%	251	36.27%	6	0.87%	686	99.13%	436	63.01%
1	Northampton	GALAT	749	356	49.40%	356	47.85%	2	0.27%	0	0.00%	15	2.01%	5	0.67%	3	0.40%	356	48.06%	14	1.66%	731	98.12%	356	48.42%
1	Northampton	GARYBB	1,723	176	10.29%	1,526	88.43%	8	0.46%	2	0.12%	2	0.12%	10	0.56%	9	0.52%	1,536	88.95%	9	0.52%	1,720	99.48%	177	10.24%
1	Northampton	GASTON	3,240	1,137	34.81%	2,045	62.94%	16	0.56%	10	0.31%	27	0.83%	17	0.52%	11	0.34%	2,056	63.28%	48	1.40%	3,201	98.52%	1,127	34.69%
1	Northampton	JACKSO	860	387	42.70%	465	56.46%	1	0.12%	0	0.00%	3	0.35%	3	0.35%	3	0.35%	466	59.81%	6	0.70%	853	99.30%	386	42.61%
1	Northampton	LAKE G	1,492	801	68.54%	419	29.89%	4	0.29%	4	0.29%	3	0.21%	11	0.79%	7	0.50%	426	30.39%	9	0.64%	1,383	99.36%	956	68.18%
1	Northampton	LASNER	270	199	71.56%	69	24.46%	1	0.36%	4	1.44%	2	0.72%	4	1.44%	2	0.72%	70	25.18%	2	0.72%	278	99.28%	199	71.56%
1	Northampton	MILWAU	467	264	52.25%	210	46.25%	2	0.43%	2	0.43%	0	0.00%	3	0.64%	2	0.43%	216	46.65%	1	0.21%	466	99.79%	243	52.03%
1	Northampton	NEWTON	980	425	62.50%	241	35.44%	0	0.00%	0	0.00%	4	0.59%	4	0.59%	3	0.44%	244	35.84%	7	1.03%	673	98.97%	423	62.21%
1	Northampton	PENDLE	228	109	47.81%	116	50.88%	0	0.00%	0	0.00%	3	1.32%	0	0.00%	1	0.44%	227	99.56%	108	47.81%				
1	Northampton	PLEASA	471	156	32.91%	308	65.39%	6	1.27%	0	0.00%	0	0.00%	2	0.42%	2	0.42%	310	65.82%	0	0.00%	471	100.00%	155	32.91%
1	Northampton	POTECA	597	149	24.96%	403	67.50%	1	0.17%	0	0.00%	36	6.03%	8	1.34%	7	1.17%	410	68.68%	36	6.37%	588	93.63%	147	24.62%
1	Northampton	RENOBS	816	269	36.76%	501	61.40%	8	0.98%	3	0.37%	2	0.25%	2	0.25%	0	0.00%	501	61.40%	8	0.98%	808	99.02%	268	36.27%
1	Northampton	RICH S	1,617	436	26.96%	1,135	71.43%	10	0.62%	9	0.00%	1	0.06%	15	0.93%	9	0.56%	1,164	71.99%	17	1.05%	1,600	98.95%	431	26.65%
1	Northampton	WAIDA	1,208	418	34.49%	779	64.58%	2	0.17%	1	0.08%	3	0.25%	5	0.41%	3	0.25%	782	64.84%	3	0.25%	1,205	99.75%	416	34.48%
1	Northampton	SEVERN	590	314	39.75%	272	46.50%	1	0.19%	0	0.00%	0	0.00%	3	0.57%	2	0.38%	274	46.39%	3	0.57%	527	99.43%	311	58.89%
1	Northampton	WOODLA	997	464	46.54%	478	48.23%	6	0.51%	4	0.40%	6	0.61%	13	1.31%	6	0.61%	484	48.64%	7	0.71%	984	99.29%	462	46.64%
	Northampton	Total	17,488	7,255	41.48%	9,882	56.50%	77	0.44%	90	0.17%	158	0.68%	119	0.68%	77	0.44%	9,970	57.03%	195	1.11%	17,384	98.89%	7,317	41.24%
1	Pasquotank	1-A	1,884	884	53.08%	710	42.46%	4	0.24%	7	0.42%	36	2.28%	26	1.54%	12	0.71%	727	43.17%	83	4.93%	1,801	95.07%	881	50.53%
1	Pasquotank	1-B	1,484	962	67.95%	420	29.69%	7	0.46%	32	2.19%	11	0.73%	12	0.42%	7	0.48%	427	29.17%	32	2.16%	1,452	97.81%	963	65.76%
1	Pasquotank	2-A	705	348	49.08%	316	44.82%	4	0.57%	6	0.85%	24	3.40%	9	1.28%	7	0.99%	323	43.82%	78	10.78%	629	89.22%	280	41.84%
1	Pasquotank	2-B	1,406	600	46.94%	641	42.49%	3	0.21%	11	0.78%	70	4.87%	24	1.70%	15	1.06%	656	46.56%	104	7.38%	1,306	92.62%	840	41.42%
1	Pasquotank	3-A	1,694	700	67.17%	805	47.56%	5	0.30%	41	2.42%	24	1.42%	19	1.12%	10	0.59%	815	48.17%	81	3.80%	1,833	96.60%	771	45.51%
1	Pasquotank	3-B	1,948	156	10.21%	1,307	84.43%	8	0.39%	8	0.36%	45	2.91%	28	1.69%	20	1.29%	1,327	85.72%	61	3.94%	1,487	96.06%	149	9.58%
1	Pasquotank	4-A	1,305	198	14.22%	1,086	78.28%	9	0.65%	15	1.15%	47	3.59%	15	1.15%	13	0.99%	1,049	80.20%	86	6.67%	1,222	93.43%	156	11.85%
1	Pasquotank	4-B	2,818	842	29.88%	1,874	66.50%	8	0.57%	13	0.46%	42	1.43%	40	1.42%	21	0.75%	1,895	67.25%	94	2.77%	2,764	97.73%	831	29.49%
1	Pasquotank	NH	3,861	2,794	69.52%	1,079	27.24%	18	0.46%	47	1.19%	46	1.16%	59	1.49%	20	0.50%	1,099	27.75%	105	2.65%	3,856	97.35%	2,674	67.51%
1	Pasquotank	NEW	635	177	27.87%	438	68.98%	2	0.31%	4	0.63%	3	0.47%	11	1.73%	4	0.63%	442	69.61%	12	1.89%	623	98.11%	175	27.56%
1	Pasquotank	PRO	1,381	887	42.72%	845	34.13%	10	1.02%	10	0.84%	7	0.45%	16	1.05%	7	0.45%	852	54.58%	42	2.89%	1,319	97.31%	856	40.97%
	Pasquotank	Total	16,767	8,435	44.84%	8,477	50.44%	81	0.43%	192	1.02%	366	1.88%	267	1.37%	136	0.72%	8,813	51.17%	726	3.88%	18,081	96.64%	8,141	43.33%
1	Perquimans	EAST H	1,143	547	47.42%	570	49.87%	2	0.17%	5	0.44%	17	1.49%	7	0.61%	3	0.26%	573	50.13%	25	2.19%	1,118	97.81%	538	47.09%
1	Perquimans	PARKV	2,056	1,354	65.79%	665	32.31%	1	0.05%	8	0.39%	11	0.53%	10	0.82%	5	0.15%	668	32.46%	21	1.02%	2,037	98.98%	1,345	65.35%
1	Perquimans	WEST H	1,079	751	69.57%	275	25.32%	4	0.37%	2	0.19%	44	4.08%	4	0.37%	0	0.00%	273	25.32%	63	5.84%	1,016	94.16%	729	68.55%
	Perquimans	Total	4,279	2,647	61.86%	1,508	35.24%	7	0.16%	15	0.35%	72	1.68%	30	0.70%	8	0.19%	1,514	35.38%	109	2.55%	4,170	97.45%	2,620	61.23%
1	Pitt	0301	3,622	2,081	57.02%	2,730	43.38%	26	0.66%	45	0.89%	664	11.79%	92	1.64%	30	0.53%	2,760	48.91%	810	10.29%	4,705	83.71%	1,809	33.96%
1	Pitt	0501	280	61	20.32%	182	67.13%	0	0.00%	0	0.00%	7	2.45%	6	2.10%	1	0.38%	183	67.46%	12	4.20%	274	95.80%	61	20.32%
1	Pitt	0701	1,085	689	61.21%	360	35.59%	1	0.09%	8	0.09%	14	1.26%	14	1.29%	8	0.56%	368	36.14%	36	3.29%	1,057	96.71%	650	59.47%

AA=AMERICAN INDIAN AND ALASKAN NATIVE, P=NATIVE HAWAIIAN AND OTHER PACIFIC ISLAND
W=WHITE, H=HISPANIC/LATINO (OF ANY RACE)

Shading Denotes a Split VTD			Voting Age Population by Race																	Total Population by Ethnicity					
District	County	VTD	Total	White	% White	Black	% Black	NA	% NA	AP	% AP	Other	% Other	MR	% MR	MR Black	MR Other	TOB Black	Total Black	Hisp	% Hisp	Non Hisp	% Non Hisp	White Non Hisp	Black Non Hisp
1	Pitt	0808A	17	15	88.24%	0	0.00%	0	0.00%	0	0.00%	2	11.76%	0	0.00%	0	0.00%	0	0.00%	2	11.76%	15	88.24%	15	88.24%
1	Pitt	0801	1,083	588	55.43%	336	31.01%	0	0.00%	0	0.00%	13	1.23%	15	1.42%	0	0.00%	345	32.76%	20	1.90%	1,033	98.10%	609	65.34%
1	Pitt	1101	1,915	937	51.91%	504	33.25%	4	0.26%	3	0.20%	30	3.69%	12	0.79%	5	9.33%	509	33.36%	72	4.75%	1,444	95.25%	920	60.80%
1	Pitt	1201	3,854	2,131	53.99%	1,483	38.75%	13	0.33%	58	1.42%	247	6.20%	84	1.37%	31	0.78%	1,484	37.53%	369	9.33%	3,565	90.67%	2,030	51.49%
1	Pitt	1405A	474	83	17.91%	371	78.27%	0	0.00%	0	0.00%	11	2.32%	9	1.90%	7	1.48%	378	79.75%	19	4.01%	455	95.99%	79	16.83%
1	Pitt	1403B	143	2	1.40%	141	98.60%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	141	98.60%	0	0.00%	143	100.00%	2	1.40%
1	Pitt	1501	1,882	259	14.36%	1,384	76.78%	3	0.17%	1	0.06%	129	7.15%	27	1.50%	11	0.61%	1,385	77.37%	185	9.15%	1,838	90.85%	245	13.59%
1	Pitt	1503	3,170	922	29.08%	2,066	65.83%	17	0.54%	62	1.96%	24	0.76%	59	1.86%	41	1.29%	2,127	67.10%	66	2.08%	3,104	97.92%	903	28.49%
1	Pitt	1506	7,468	2,766	37.04%	4,313	57.75%	23	0.31%	212	2.84%	55	0.74%	99	1.33%	53	0.71%	4,360	58.40%	165	2.21%	7,303	97.79%	2,691	36.03%
1	Pitt	1505A	3,869	1,543	39.89%	2,094	53.94%	27	0.54%	105	2.70%	16	2.01%	42	1.06%	24	0.62%	2,118	54.48%	203	5.22%	3,686	94.78%	1,433	37.00%
1	Pitt	1505B	3,014	379	12.57%	2,617	85.51%	10	0.33%	10	0.53%	58	1.92%	34	1.13%	24	0.80%	2,641	84.31%	120	3.98%	2,894	96.02%	395	11.78%
1	Pitt	1530	1,747	402	32.37%	782	62.99%	8	0.48%	17	1.37%	14	1.13%	21	1.69%	16	1.45%	880	64.41%	37	2.98%	1,205	97.02%	387	31.10%
1	Pitt	1508A	8	8	88.89%	1	11.11%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	1	11.11%	0	0.00%	8	100.00%	8	88.89%
1	Pitt	1539	175	57	32.57%	83	47.43%	2	1.14%	0	0.00%	32	18.29%	1	0.57%	0	0.00%	83	47.43%	44	25.14%	131	74.86%	48	27.43%
1	Pitt	1012A	1,802	484	26.86%	1,013	62.23%	9	0.56%	24	1.80%	67	3.61%	31	1.94%	18	1.12%	1,031	64.39%	104	6.49%	1,498	93.51%	421	26.29%
1	Pitt	1513B	769	323	42.00%	369	30.56%	3	0.39%	17	2.21%	21	2.73%	16	2.26%	10	1.30%	380	51.69%	37	4.81%	732	95.19%	311	40.44%
	Pitt	Total	37,289	13,817	37.06%	20,768	55.68%	138	0.37%	564	1.51%	1,488	3.97%	532	1.43%	288	0.77%	21,056	56.45%	2,387	6.40%	34,902	93.60%	13,186	35.35%
1	Vance	0ABN	2,145	1,314	61.26%	737	34.36%	11	0.51%	15	0.70%	53	2.47%	15	0.70%	10	0.47%	747	34.83%	72	3.36%	2,073	96.64%	1,300	59.61%
1	Vance	0H1	2,299	281	12.23%	1,872	81.45%	7	0.30%	2	0.09%	115	5.10%	17	0.74%	11	0.48%	1,883	81.94%	181	8.31%	2,107	91.69%	225	9.79%
1	Vance	0H2	968	323	32.69%	504	51.01%	8	0.81%	3	0.30%	127	12.85%	23	2.33%	2	0.20%	506	51.21%	180	18.22%	808	81.78%	289	29.25%
1	Vance	HTOP	937	368	39.89%	537	57.31%	0	0.00%	8	0.85%	13	1.39%	14	1.49%	4	0.43%	541	57.74%	36	3.84%	901	96.16%	346	36.93%
1	Vance	MIDD	2,875	1,466	51.09%	1,348	46.92%	2	0.07%	9	0.31%	24	0.83%	28	0.97%	18	0.63%	1,394	47.44%	44	1.53%	2,831	98.47%	1,466	50.91%
1	Vance	NH1	2,585	359	14.00%	2,126	82.93%	5	0.19%	11	0.43%	20	0.78%	42	1.64%	40	1.56%	2,166	84.52%	51	1.99%	2,514	98.01%	345	13.45%
1	Vance	NH2	916	488	50.79%	432	47.18%	2	0.22%	4	0.44%	9	0.98%	4	0.44%	3	0.33%	435	47.49%	24	2.62%	892	97.38%	453	49.45%
1	Vance	SH1	2,587	772	29.84%	1,800	82.20%	11	0.43%	6	0.23%	186	5.42%	23	0.89%	18	0.63%	1,826	82.81%	309	11.80%	2,267	88.40%	688	26.82%
1	Vance	SH2	1,182	587	49.41%	450	37.99%	3	0.25%	3	0.25%	125	10.52%	20	1.68%	8	0.31%	458	38.30%	105	13.57%	1,003	84.43%	541	45.34%
1	Vance	TWNB	1,089	539	49.67%	537	49.31%	0	0.00%	2	0.18%	11	1.01%	9	0.83%	6	0.59%	543	49.89%	13	1.19%	1,076	98.81%	528	48.48%
1	Vance	WH1	2,930	1,999	67.99%	844	28.81%	8	0.27%	40	1.37%	25	0.85%	24	0.82%	12	0.41%	856	29.22%	42	1.43%	2,888	98.57%	1,977	67.47%
1	Vance	WH2	1,220	573	46.97%	592	48.52%	8	0.66%	25	2.05%	9	0.74%	15	1.23%	10	0.82%	602	49.34%	15	1.23%	1,205	98.77%	570	46.72%
1	Vance	WHBB	2,477	1,147	46.31%	1,201	50.91%	2	0.08%	4	0.16%	31	1.25%	32	1.29%	23	0.93%	1,204	51.94%	57	2.30%	2,420	97.70%	1,133	45.82%
	Vance	Total	24,216	10,173	42.01%	12,849	53.06%	66	0.27%	132	0.55%	732	3.02%	264	1.09%	161	0.66%	13,010	53.73%	1,210	5.00%	23,000	95.00%	8,832	48.60%
1	Warren	1	1,191	601	50.46%	527	28.17%	11	0.92%	6	0.52%	5	0.42%	11	0.95%	6	0.57%	533	29.56%	10	0.86%	1,151	99.14%	797	68.65%
1	Warren	10	2,005	586	29.48%	1,357	68.56%	15	0.75%	7	0.35%	23	1.15%	30	1.49%	22	1.10%	1,359	67.80%	61	2.04%	1,987	97.96%	592	29.48%
1	Warren	11	613	116	20.09%	377	67.37%	14	3.39%	2	0.48%	2	0.48%	2	0.48%	2	0.48%	379	67.55%	4	0.97%	409	99.03%	113	27.36%
1	Warren	12	1,080	345	33.89%	68	9.19%	8	0.58%	5	0.47%	2	0.19%	10	0.94%	1	0.09%	69	9.29%	6	0.56%	1,080	99.44%	843	58.65%
1	Warren	13	819	430	52.50%	347	42.37%	1	0.12%	1	0.12%	25	3.05%	15	1.83%	6	0.99%	355	43.35%	40	4.88%	779	95.12%	417	50.92%
1	Warren	14	1,749	579	33.19%	1,081	60.89%	31	1.76%	2	0.11%	62	3.58%	14	0.80%	11	0.63%	1,072	61.61%	80	5.11%	1,481	94.89%	551	31.87%
1	Warren	2	912	248	71.16%	244	26.75%	3	0.33%	2	0.22%	7	0.77%	7	0.77%	2	0.22%	243	26.97%	8	0.99%	901	99.01%	646	70.83%
1	Warren	3	1,184	571	48.25%	562	46.28%	7	0.60%	5	0.43%	15	1.12%	5	0.52%	5	0.43%	567	48.71%	23	1.90%	1,141	98.02%	562	46.28%
1	Warren	4	824	410	44.37%	484	52.38%	5	0.54%	3	0.32%	4	0.67%	14	1.52%	9	0.97%	482	53.25%	15	1.62%	909	98.38%	405	42.83%
1	Warren	5	2,185	609	27.74%	1,913	69.32%	19	0.87%	6	0.27%	31	1.41%	13	0.68%	6	0.27%	1,921	69.20%	64	2.92%	2,131	97.08%	599	26.79%
1	Warren	6	1,410	542	38.46%	819	59.29%	7	0.50%	0	0.00%	26	1.84%	16	1.13%	15	1.08%	834	59.15%	40	2.84%	1,370	97.16%	554	37.87%
1	Warren	7	1,005	323	32.14%	662	59.90%	14	1.39%	3	0.30%	48	4.78%	15	1.49%	11	1.09%	673	61.30%	58	5.77%	947	94.23%	318	31.74%
1	Warren	8	1,311	116	2.77%	516	39.36%	833	48.28%	2	0.15%	19	1.14%	30	2.29%	22	1.68%	536	41.04%	20	1.53%	1,291	98.47%	114	8.70%
1	Warren	9	565	281	44.54%	269	50.85%	12	2.09%	2	0.34%	3	0.51%	10	1.71%	8	1.37%	305	52.22%	7	1.19%	579	98.81%	261	44.54%
	Warren	Total	16,754	6,838	41.51%	8,487	50.78%	778	4.65%	48	0.29%	270	1.62%	186	1.11%	127	0.76%	8,614	51.54%	428	2.55%	16,388	97.45%	6,842	40.84%
1	Washington	LM	2,235	937	41.92%	1,236	56.29%	4	0.18%	2	0.09%	44	1.97%	10	0.45%	3	0.13%	1,241	55.53%	61	2.73%	2,174	97.27%	925	41.39%
1	Washington	P1	1,321	657	42.20%	837	55.33%	1	0.07%	12	0.79%	5	0.33%	9	0.59%	7	0.46%	844	55.49%	11	0.72%	1,510	99.28%	632	42.87%
1	Washington	P2	1,201	362	27.91%	840	68.81%	4	0.32%	3	0.24%	50	3.97%	12	0.95%	4	0.32%	841	66.93%	54	4.28%	1,207	95.72%	351	27.84%
1	Washington	P3	1,364	468	34.58%	867	63.29%	4	0.30%	8	0.37%	11	0.81%	9	0.66%	6	0.37%	862	63.66%	16	1.18%	1,338	98.52%	465	34.34%
	Washington	Total	6,371	2,414	37.89%	3,772	59.21%	13	0.20%	22	0.35%	110	1.73%	40	0.63%	18	0.28%	3,786	59.39%	142	2.23%	6,229	97.77%	2,383	37.39%
1	Wayne	07	4,625	3,495	72.44%	1,066	21.80%	23	0.48%	71	1.47%	113	2.34%	65	1.35%	30	0.62%	1,096	22.55%	203	4.21%	4,622	95.79%	3,420	70.86%
1	Wayne	10	2,055	928	29.35%	1,481	71.39%	9	0.44%	7	0.34%	25	1.22%	28	1.36%	24	1.17%	1,488	72.26%	55	2.68%	2,006	97.32%	908	24.62%
1	Wayne	11	2,860	1,503	52.19%	1,287	41.91%	16	0.56%	78	2.43%	36	1.32%	48	1.80%	27	0.94%	1,234	42.85%	97	3.37%	2,783	96.63%	1,485	52.90%
1	Wayne	12	4,333	2,344	58.12%	1,389	33.70%	8	0.19%	183	4.04%	60	1.08%	93	2.31%	47	1.17%	1,436	34.68%	181	4.40%	3,932	95.51%	2,255	55.91%
1	Wayne	13	2,224	1,004	45.14%	1,064	47.84%	6	0.27%	47	2.11%	72	3.24%	31	1.39%	14	0.63%	1,078	48.47%	151	5.89%	2,083	94.11%	951	42.76%
1	Wayne	17	2,191	571	26.06%	1,488	69.20%	10	0.46%	24	1.10%	44	2.01%	46	2.10%	28	1.28%	1,524	69.56%	121	5.52%	2,070	94.48%	518	23.64%

Shading Denotes a Split VTD			Voting Age Population by Race																Total Population by Ethnicity					
District	County	VTD	Total	White	% White	Black	% Black	NA	% NA	A/PI	% A/PI	Other	% Other	MR	% MR	MR Black	% MR Blk	Total Black	Total Black	Hisp	% Hisp	Non Hisp	Non Hisp	White Non Hisp	Alldie Non Hisp
1	Wayne	18	1,845	491	26.61%	1,278	69.27%	18	0.94%	15	0.81%	23	1.25%	28	1.52%	15	3.81%	1,293	70.08%	55	2.98%	1,790	97.02%	470	25.47%
1	Wayne	19	1,845	433	23.47%	1,334	72.30%	7	0.38%	13	0.70%	20	1.08%	38	2.06%	20	1.66%	1,354	73.38%	69	3.74%	1,776	96.26%	364	21.36%
1	Wayne	20	1,844	236	12.74%	1,540	83.51%	4	0.22%	5	0.27%	27	1.46%	33	1.79%	28	1.66%	1,560	84.60%	47	2.55%	1,797	97.45%	229	12.42%
1	Wayne	21	1,916	819	42.79%	1,000	52.23%	8	0.42%	34	1.76%	18	0.94%	28	1.30%	18	0.84%	1,035	53.55%	39	2.04%	1,875	97.96%	804	42.01%
1	Wayne	22	2,291	1,395	60.89%	704	30.73%	9	0.39%	88	4.26%	38	1.66%	47	2.05%	25	1.09%	729	31.82%	109	4.76%	2,182	95.24%	1,340	58.49%
1	Wayne	25	150	20	13.33%	122	81.33%	0	0.00%	0	0.00%	8	5.33%	0	0.00%	0	0.00%	122	81.33%	11	7.33%	139	92.67%	17	11.33%
1	Wayne	26	3,764	1,546	47.93%	1,288	39.60%	16	0.43%	28	0.89%	263	11.12%	53	1.62%	21	0.64%	1,291	39.25%	582	17.22%	2,702	82.78%	1,398	42.66%
1	Wayne	27	2,284	743	32.51%	1,259	55.13%	9	0.39%	15	0.66%	241	10.55%	17	0.74%	4	0.18%	1,263	55.30%	301	12.10%	1,983	86.82%	680	30.21%
1	Wayne	28	2,228	1,027	46.10%	1,135	50.94%	2	0.09%	20	0.90%	23	1.03%	14	0.63%	1,150	51.62%	51	2.29%	2,177	97.71%	1,004	45.06%		
1	Wayne	30	1,948	517	37.98%	1,148	57.15%	17	0.87%	5	0.27%	140	7.56%	20	1.01%	16	0.54%	1,159	52.72%	301	10.89%	1,647	89.12%	461	25.03%
	Wayne	Total	37,721	16,667	44.19%	18,436	48.87%	180	0.48%	646	1.63%	1,230	3.34%	384	1.53%	338	0.64%	18,797	49.71%	2,333	5.88%	35,488	94.08%	15,811	42.22%
1	Wilson	PRGA	1,771	827	46.70%	862	48.67%	2	0.11%	3	0.17%	65	3.11%	22	1.24%	13	0.73%	875	49.41%	88	4.97%	1,683	95.03%	821	45.23%
1	Wilson	PRSA	1,269	675	52.57%	561	42.75%	8	0.63%	0	0.00%	52	4.03%	3	0.23%	0	0.00%	561	42.75%	84	6.52%	1,205	93.48%	656	50.69%
1	Wilson	PRWA	1,834	709	38.66%	831	50.70%	8	0.49%	8	0.33%	164	8.40%	25	1.36%	17	0.65%	848	51.69%	238	12.97%	1,596	87.15%	639	34.62%
1	Wilson	PRWB	1,743	205	11.76%	1,288	73.90%	5	0.29%	1	0.17%	209	11.99%	33	1.85%	13	0.88%	1,358	74.78%	317	16.19%	1,426	81.81%	131	7.52%
1	Wilson	PRWC	1,852	344	18.57%	1,341	72.41%	2	0.16%	8	0.43%	138	6.80%	30	1.62%	24	1.39%	1,365	73.75%	202	10.91%	1,650	89.09%	265	15.34%
1	Wilson	PRWD	5	3	60.00%	2	40.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	2	40.00%	0	0.00%	5	100.00%	3	60.00%
1	Wilson	PRWE	1,793	669	37.31%	1,014	56.55%	5	0.28%	13	0.73%	82	4.57%	10	0.56%	4	0.22%	1,018	56.78%	156	8.70%	1,637	91.30%	609	33.97%
1	Wilson	PRWH	1,239	73	5.89%	990	79.90%	4	0.32%	7	0.56%	153	12.35%	12	0.96%	6	0.48%	996	80.39%	201	16.22%	1,038	83.78%	38	3.07%
1	Wilson	PRWI	2,376	963	40.49%	1,223	51.47%	2	0.08%	17	0.72%	152	6.40%	20	0.84%	18	0.88%	1,257	52.89%	242	10.19%	2,134	89.81%	888	37.37%
1	Wilson	PRWJ	351	123	35.04%	211	60.11%	1	0.57%	0	0.00%	14	3.99%	1	0.28%	1	0.28%	212	60.40%	18	5.13%	333	94.87%	121	34.47%
1	Wilson	PRWM	904	278	30.75%	568	65.04%	1	0.11%	0	1.00%	16	1.99%	15	1.66%	10	1.11%	598	66.15%	41	4.54%	862	95.46%	236	26.21%
1	Wilson	PRWN	2,611	320	6.89%	2,224	85.18%	6	0.23%	1	0.04%	174	6.66%	26	1.00%	13	0.50%	2,237	85.66%	201	8.46%	2,380	91.54%	152	5.82%
1	Wilson	PRWO	768	6	0.78%	652	84.90%	2	0.26%	1	0.13%	107	13.15%	9	0.78%	5	0.65%	657	85.55%	104	13.54%	664	86.46%	4	0.52%
1	Wilson	PRWR	2,721	517	19.34%	1,904	66.30%	14	0.51%	5	0.18%	330	12.42%	33	1.21%	20	0.74%	1,424	67.03%	488	18.30%	2,223	81.70%	395	14.52%
	Wilson	Total	21,257	5,873	26.25%	13,691	64.36%	63	0.30%	73	0.34%	1,625	7.64%	256	1.11%	142	0.67%	13,972	65.03%	2,488	11.35%	19,849	88.67%	4,573	23.38%
	District	Total	361,438	227,424	48.51%	201,758	51.97%	4,710	0.84%	6,533	1.53%	21,884	3.80%	7,089	1.25%	3,849	0.69%	205,880	52.89%	38,888	6.57%	526,542	93.43%	216,272	38.32%

Analyst: Weaknesses exist for Asian alone, Pacific Islander and other Race Partial Withdrawals, Inapplicable or Letter (if any exist)

Voting Age Population by Race and Ethnicity - District 12
C-97 2A Rucho Lewis Congress 3

Redistricting Database - State VTD			Voting Age Population by Race																	Total Population by Ethnicity					
District	County	VTD	Total	White	% White	Black	% Black	ISA	% ISA	ASN	% ASN	Other	% Other	HIS	% HIS	AS Black	% AS Black	Total Black	% Total Black	Hisp	% Hisp	Non Hisp	% Non Hisp	White Non Hisp	% White Non Hisp
12	Cabarrus	02-05	6,803	3,887	78.79%	771	15.35%	14	0.28%	200	5.91%	80	1.37%	92	1.84%	27	0.54%	798	15.89%	260	5.18%	4,757	94.75%	3,681	73.30%
12	Cabarrus	02-09	4,365	2,908	66.15%	880	19.34%	7	0.15%	420	9.62%	63	1.27%	87	1.62%	23	0.52%	873	19.85%	230	5.44%	4,156	94.56%	2,824	64.26%
13	Cabarrus	03-00	3,463	2,002	60.47%	371	7.63%	10	0.28%	43	1.24%	43	1.24%	34	0.98%	6	0.23%	270	8.09%	91	2.63%	3,372	97.37%	3,017	87.12%
	Cabarrus	Total	12,681	8,818	75.67%	1,882	14.84%	31	0.24%	728	5.64%	180	1.39%	193	1.49%	54	0.49%	1,950	15.14%	580	4.85%	12,285	95.15%	9,522	75.07%
12	Davidson	06	3,338	3,334	94.23%	62	1.75%	19	0.54%	16	0.51%	61	2.29%	24	0.68%	8	0.14%	67	1.89%	131	3.70%	3,407	96.30%	3,286	97.66%
12	Davidson	10	88	81	81.63%	7	7.87%	0	0.00%	4	4.04%	5	6.06%	1	1.01%	0	0.00%	7	7.07%	16	16.16%	83	83.84%	71	71.72%
12	Davidson	22	1,491	1,308	89.73%	55	3.97%	4	0.28%	29	2.00%	41	2.81%	19	1.06%	2	0.14%	58	4.11%	48	3.42%	1,363	96.65%	1,268	89.39%
12	Davidson	26	2,638	2,541	94.86%	166	5.47%	10	0.38%	47	1.80%	43	1.52%	31	1.09%	9	0.33%	184	6.79%	90	3.16%	2,743	96.82%	2,305	86.42%
12	Davidson	30	2,842	804	34.23%	1,356	51.76%	14	0.53%	54	2.04%	256	9.50%	46	1.74%	20	0.79%	1,358	57.54%	428	10.44%	2,204	84.56%	782	29.62%
12	Davidson	32	1,888	1,388	84.45%	400	20.82%	11	0.56%	15	0.77%	236	12.02%	25	1.28%	8	0.28%	414	21.18%	360	18.07%	1,630	81.33%	1,140	58.31%
12	Davidson	34	1,777	1,198	67.35%	370	20.82%	10	0.56%	40	2.25%	144	8.10%	18	1.01%	11	0.62%	381	21.44%	161	10.19%	1,586	89.81%	1,167	65.36%
12	Davidson	36	2,150	653	30.40%	951	43.30%	16	0.74%	29	1.35%	333	14.95%	19	0.88%	11	0.51%	942	43.81%	431	20.05%	3,719	79.95%	742	34.51%
12	Davidson	40	2,207	1,000	45.95%	804	36.49%	5	0.23%	30	1.13%	267	12.44%	41	1.75%	16	0.69%	803	36.14%	428	18.62%	1,879	8.45%	937	40.62%
12	Davidson	64	2,227	878	39.43%	1,121	50.34%	12	0.54%	10	0.45%	142	6.17%	24	1.08%	8	0.40%	1,130	50.74%	288	12.93%	1,939	87.09%	782	35.06%
12	Davidson	70	2,558	2,341	92.21%	84	3.70%	11	0.43%	26	1.14%	49	1.91%	18	0.71%	1	0.04%	88	3.74%	84	3.31%	2,455	96.69%	2,212	91.00%
12	Davidson	72	2,061	2,040	95.66%	45	1.73%	12	0.46%	15	0.58%	25	0.94%	17	0.64%	0	0.10%	51	1.93%	78	2.93%	2,583	97.07%	2,464	93.07%
12	Davidson	80	4,254	4,056	95.46%	32	0.76%	16	0.38%	20	0.78%	42	0.99%	36	0.81%	6	0.10%	40	0.94%	67	1.58%	4,187	98.42%	4,060	95.49%
	Davidson	Total	30,573	22,340	73.08%	5,650	18.24%	165	0.48%	548	1.15%	1,491	5.87%	365	1.00%	101	0.33%	5,650	18.57%	2,540	8.01%	27,787	91.99%	21,967	70.94%
12	Forsyth	042	3,464	2,750	81.33%	711	20.89%	24	0.71%	47	1.38%	330	9.81%	94	1.68%	33	0.97%	744	21.89%	358	14.95%	2,096	85.05%	2,110	61.98%
12	Forsyth	203	1,484	48	2.73%	1,328	90.98%	9	0.35%	7	0.42%	10	0.15%	30	1.79%	17	1.01%	1,342	91.57%	126	7.83%	1,958	92.40%	20	1.19%
12	Forsyth	204	1,621	247	10.06%	1,221	67.05%	15	0.62%	38	2.36%	196	9.06%	38	1.62%	28	1.43%	1,347	68.46%	218	11.66%	1,606	88.34%	317	17.41%
12	Forsyth	238	606	44	6.94%	750	86.78%	2	0.28%	6	0.88%	33	5.71%	21	2.36%	17	1.91%	827	88.07%	56	6.18%	835	93.82%	30	3.37%
12	Forsyth	286	2,789	428	20.84%	1,264	63.62%	12	0.49%	9	0.39%	263	13.68%	34	1.67%	22	1.08%	1,373	69.80%	418	20.50%	1,621	79.50%	318	15.89%
12	Forsyth	301	1,166	38	3.00%	1,060	89.75%	4	0.34%	2	0.17%	63	4.94%	14	1.20%	13	1.11%	1,073	91.67%	59	5.48%	1,026	91.52%	16	1.37%
12	Forsyth	302	1,360	123	8.69%	1,042	79.07%	11	0.79%	4	0.28%	183	13.16%	29	1.60%	16	1.15%	1,066	78.27%	249	17.94%	1,139	82.06%	91	6.56%
12	Forsyth	303	948	28	2.96%	838	88.08%	1	0.11%	0	0.00%	81	8.46%	17	1.80%	12	1.27%	882	90.08%	77	8.14%	869	91.86%	17	1.80%
12	Forsyth	304	1,972	53	2.69%	1,853	92.95%	5	0.25%	9	0.30%	41	2.08%	34	1.72%	32	1.53%	1,885	94.57%	84	3.25%	1,804	96.75%	39	1.98%
12	Forsyth	305	1,411	80	5.67%	1,270	90.01%	3	0.27%	4	0.28%	32	2.27%	24	1.70%	20	1.42%	1,280	91.42%	61	2.61%	1,372	97.39%	77	5.46%
12	Forsyth	401	2,483	428	17.23%	1,843	84.93%	13	0.53%	7	0.28%	360	15.76%	40	1.63%	22	0.90%	1,905	86.43%	968	23.16%	1,885	76.84%	800	12.68%
12	Forsyth	402	1,488	50	3.36%	1,338	89.72%	3	0.20%	6	0.30%	94	5.94%	18	1.07%	12	0.81%	1,348	90.53%	102	8.85%	1,307	93.15%	41	2.75%
12	Forsyth	403	2,235	256	11.45%	1,838	82.24%	11	0.49%	6	0.38%	116	5.28%	33	1.48%	28	1.25%	1,837	82.19%	182	8.14%	2,053	91.86%	228	10.20%
12	Forsyth	404	2,828	788	27.23%	2,028	69.26%	4	0.14%	27	0.92%	94	1.94%	47	1.61%	38	1.29%	2,084	70.48%	182	6.22%	2,748	93.78%	657	22.44%
12	Forsyth	405	3,194	124	3.88%	2,766	87.00%	9	0.28%	4	0.13%	179	5.60%	60	2.02%	67	2.10%	2,666	89.70%	250	8.42%	2,722	91.58%	65	2.89%
12	Forsyth	501	2,279	432	18.92%	1,610	70.65%	10	0.44%	4	0.18%	201	8.82%	32	1.40%	24	1.08%	1,634	71.70%	260	12.72%	1,369	87.28%	366	16.06%
12	Forsyth	502	1,888	218	11.44%	1,572	82.98%	9	0.48%	17	0.90%	310	16.08%	25	1.32%	16	1.01%	1,521	80.57%	422	22.35%	1,466	77.65%	151	8.00%
12	Forsyth	504	1,974	644	32.62%	982	49.75%	27	1.37%	3	0.15%	256	13.06%	50	2.53%	25	1.27%	1,007	51.01%	498	25.23%	1,476	74.77%	484	24.52%
12	Forsyth	506	2,540	773	30.47%	1,225	45.44%	4	0.16%	12	0.48%	520	20.00%	82	2.30%	32	1.18%	1,287	49.62%	611	30.26%	1,408	69.74%	673	24.98%
	Forsyth	Total	37,851	7,197	19.02%	20,745	54.82%	166	0.45%	198	0.52%	3,449	9.11%	680	1.80%	478	1.26%	20,710	70.68%	5,180	13.68%	32,671	86.32%	6,827	15.87%
12	Guilford	FEN1	3,654	1,587	43.72%	1,885	51.04%	21	0.57%	73	2.00%	78	2.16%	56	1.54%	34	0.93%	1,899	51.97%	132	3.61%	3,523	96.39%	1,924	41.60%
12	Guilford	001	1,348	484	37.18%	686	55.15%	6	0.32%	52	4.17%	14	1.12%	36	2.06%	16	1.44%	708	56.57%	37	2.96%	1,211	97.04%	451	34.14%
15	Guilford	002	1,560	641	40.30%	955	34.71%	18	0.94%	290	18.50%	100	6.25%	48	2.54%	19	1.19%	974	38.80%	180	11.62%	1,490	88.18%	575	35.96%
12	Guilford	003	2,384	222	9.95%	1,844	80.38%	11	0.48%	70	3.27%	60	3.75%	56	2.44%	35	1.53%	1,879	81.91%	147	6.41%	2,147	93.59%	182	7.93%
12	Guilford	004	2,395	316	13.47%	1,837	78.00%	22	0.93%	4	0.17%	136	5.80%	50	1.61%	20	1.23%	1,900	79.24%	168	6.41%	2,157	91.59%	278	11.84%
12	Guilford	005	1,460	48	3.26%	1,372	93.86%	7	0.48%	4	0.27%	18	1.09%	16	1.23%	18	1.09%	1,388	94.74%	27	1.84%	1,536	98.15%	46	3.14%
12	Guilford	006	1,573	77	4.89%	1,371	87.09%	11	0.70%	28	2.25%	89	2.75%	22	1.40%	18	1.14%	1,380	89.19%	83	5.27%	1,492	94.73%	66	4.13%
12	Guilford	007	2,714	878	30.04%	1,398	49.83%	17	0.63%	208	7.66%	84	3.17%	70	2.58%	43	1.58%	1,398	51.51%	185	6.06%	2,548	93.83%	919	33.80%
12	Guilford	008	2,985	634	30.67%	1,464	49.56%	11	0.37%	322	10.79%	102	6.41%	80	2.00%	20	0.67%	1,513	50.69%	280	8.89%	2,788	91.14%	840	28.27%
12	Guilford	009	3,165	887	30.79%	1,884	80.22%	18	0.57%	88	2.10%	145	4.61%	58	1.74%	38	1.14%	1,930	61.37%	250	8.52%	2,677	91.48%	883	28.08%
12	Guilford	010	3,421	1,140	31.22%	1,982	57.10%	21	0.61%	136	3.72%	213	6.14%	77	2.22%	30	0.86%	2,012	57.97%	370	10.66%	3,101	89.34%	944	27.20%
15	Guilford	026	2,531	1,392	47.84%	1,290	44.67%	9	0.32%	98	3.11%	55	1.95%	84	1.81%	24	0.69%	1,292	45.72%	139	4.81%	2,750	95.19%	1,387	43.94%
13	Guilford	037	3,440	1,840	53.50%	1,249	36.29%	23	0.69%	134	3.90%	136	3.92%	73	2.06%	51	1.48%	1,300	37.74%	343	9.88%	3,102	90.04%	1,637	48.50%
12	Guilford	045	5,186	2,695	51.91%	1,972	38.00%	12	0.30%	132	5.31%	180	4.75%	172	3.06%	74	1.58%	1,566	30.79%	300	5.80%	3,886	90.50%	800	47.74%
12	Guilford	046	3,527	391	0.00%	2,888	80.00%	24	0.68%	23	0.65%	97	1.73%	70	1.06%	64	1.81%	2,952	80.62%	128	3.64%	3,402	96.45%	324	5.19%
12	Guilford	047	2,849	1,320	46.43%	1,156	40.58%	22	1.10%	97	3.37%	187	5.87%	70	2.67%	44	1.55%	1,159	42.13%	276	9.77%	2,561	90.23%	1,251	43.25%
12	Guilford	048	1,186	774	65.00%	780	42.77%	7	0.42%	34	2.00%	110	6.00%	65	1.08%	18	1.09%	718	43.31%	215	12.07%	1,448	87.28%	585	41.10%
12	Guilford	050	4,182	1,488	34.68%	1,814	43.36%	79	1.88%	180	4.04%	574	13.73%	87	2.08%	44	1.09%	1,850	44.47%	811	21.78%	3,291	78.22%	1,100	26.61%
12	Guilford	051	2,381	1,018	42.49%	813	34.00%	26	1.09%	345	10.00%	188	8.01%	58	2.22%	28	1.17%	841	35.17%	267	10.79%	2,134	89.25%	832	30.00%
12	Guilford	052	2,715	543	16.00%	1,803	69.72%	21	0.77%	97	3.57%	141	5.19%	92	1.64%	41	1.51%	1,504	71.23%	294	0.62%	2,401	91.38%	430	16.57%

Redistricting Simulations 4 Draft 4118			Voting Age Population by Race																	Total Population by Ethnicity					
District	County	VTD	Total	White	% White	Black	% Black	NA	% NA	API	% API	Other	% Other	MR	% MR	MR Black	% MR Black	MR Other	% MR Other	Total Black	% Total Black	Hisp	% Hisp	Non Hisp	Non Hisp	White Non Hisp	Minor Non Hisp
12	Guilford	053	3,268	492	15.10%	2,442	74.80%	30	0.92%	65	2.12%	176	5.48%	47	1.44%	33	1.01%	2,475	75.97%	300	10.13%	2,828	89.87%	574	11.48%		
12	Guilford	054	3,279	341	22.52%	2,087	63.71%	40	1.22%	53	1.62%	290	8.85%	68	1.96%	54	1.65%	2,141	65.32%	528	16.08%	2,750	83.91%	543	19.84%		
12	Guilford	055	2,400	570	23.75%	1,542	64.12%	17	0.71%	83	3.42%	48	2.34%	40	1.67%	27	1.13%	1,569	65.54%	111	4.63%	2,289	95.36%	936	22.00%		
12	Guilford	056	2,101	633	30.13%	666	41.22%	14	0.67%	401	19.08%	137	6.52%	50	2.38%	17	0.81%	683	42.02%	267	9.60%	1,894	90.39%	971	27.16%		
12	Guilford	057	2,856	674	32.56%	1,189	57.68%	16	0.77%	93	4.50%	44	2.13%	47	2.03%	27	1.31%	1,228	59.28%	129	6.24%	1,959	93.75%	810	28.97%		
12	Guilford	058	2,101	730	30.99%	1,239	47.42%	14	0.84%	167	8.83%	150	7.21%	56	2.65%	30	1.78%	1,076	49.20%	260	12.78%	1,811	87.22%	659	29.16%		
12	Guilford	059	3,080	917	33.17%	874	40.88%	18	0.81%	136	7.26%	181	8.73%	36	2.04%	20	1.08%	894	48.06%	250	13.44%	1,610	86.56%	554	29.78%		
12	Guilford	060	3,111	1,137	36.56%	1,146	36.85%	16	0.61%	349	11.22%	367	12.44%	74	2.36%	33	1.08%	1,181	37.98%	667	22.43%	2,614	77.82%	890	34.81%		
12	Guilford	061	2,045	665	32.66%	1,162	44.98%	31	1.17%	150	6.35%	318	11.85%	57	1.97%	27	1.02%	1,208	45.75%	490	18.53%	2,155	81.47%	768	28.82%		
12	Guilford	064	1,859	798	45.80%	854	39.19%	11	0.69%	107	6.41%	80	5.33%	42	2.62%	26	1.74%	883	40.82%	161	9.66%	1,908	90.35%	756	42.42%		
12	Guilford	067	1,907	47	2.62%	1,514	84.21%	6	0.33%	6	0.31%	9	0.50%	29	1.62%	25	1.58%	1,539	85.77%	34	2.12%	1,573	97.88%	45	2.80%		
12	Guilford	068	2,045	42	1.46%	2,678	94.13%	11	0.39%	4	0.14%	46	1.58%	62	2.18%	56	1.97%	2,734	96.10%	167	3.78%	2,738	96.24%	32	1.12%		
12	Guilford	069	2,305	528	21.99%	1,656	74.28%	8	0.32%	12	0.46%	51	2.04%	51	2.04%	36	1.44%	1,691	75.49%	109	4.35%	2,399	95.65%	901	20.05%		
12	Guilford	070	2,493	56	2.21%	2,399	95.82%	12	0.48%	6	0.24%	26	1.04%	55	2.21%	48	1.97%	2,368	95.79%	80	3.21%	2,413	96.79%	33	1.32%		
12	Guilford	071	2,879	138	4.85%	2,481	86.16%	25	0.87%	63	3.23%	112	3.89%	36	1.22%	28	0.97%	2,606	87.04%	184	6.14%	2,686	93.26%	87	3.02%		
12	Guilford	072	2,680	332	12.30%	2,304	77.98%	12	0.48%	32	1.10%	186	5.77%	61	2.27%	48	1.79%	2,142	79.75%	253	8.67%	2,455	91.32%	276	10.04%		
12	Guilford	073	1,884	73	4.31%	1,573	82.66%	5	0.30%	4	0.24%	18	1.06%	21	1.24%	21	1.24%	1,594	84.10%	42	2.48%	1,662	97.52%	60	3.54%		
12	Guilford	074	3,089	28	1.20%	1,960	84.78%	10	0.48%	5	0.24%	32	1.53%	37	1.77%	32	1.53%	2,012	86.31%	41	1.89%	2,048	98.04%	22	1.06%		
12	Guilford	075	1,882	192	10.37%	1,563	85.45%	8	0.43%	26	1.61%	13	0.70%	26	1.51%	21	1.13%	1,604	86.91%	48	2.56%	1,804	97.41%	168	8.13%		
12	Guilford	H01	3,013	1,447	48.29%	878	29.14%	34	1.13%	182	4.08%	448	14.87%	36	1.86%	20	0.66%	898	29.87%	669	22.20%	2,344	77.80%	1,260	42.12%		
12	Guilford	H02	2,851	941	32.44%	1,217	41.95%	22	0.79%	388	17.77%	320	11.13%	42	1.46%	17	0.59%	1,234	42.54%	436	15.03%	2,465	84.97%	845	29.99%		
12	Guilford	H05	2,778	998	35.16%	1,663	59.45%	22	0.79%	258	9.28%	95	3.42%	52	1.87%	38	1.37%	1,697	60.89%	183	6.59%	2,590	93.41%	622	22.38%		
12	Guilford	H07	1,271	360	18.34%	1,601	79.19%	15	0.75%	68	3.45%	68	4.87%	29	1.32%	16	0.81%	1,317	79.87%	132	6.80%	1,830	93.10%	232	11.77%		
12	Guilford	H08	1,388	288	17.00%	1,132	72.33%	23	1.47%	29	1.66%	88	5.62%	27	1.73%	22	1.41%	1,154	73.74%	128	8.05%	1,439	91.95%	289	16.27%		
12	Guilford	H09	2,522	217	8.93%	2,074	82.21%	13	0.52%	43	1.84%	91	3.93%	70	2.78%	45	1.78%	2,119	84.02%	176	6.98%	2,346	93.02%	170	8.74%		
12	Guilford	H10	2,280	386	17.02%	1,711	75.04%	9	0.39%	67	2.94%	73	3.20%	32	1.40%	19	0.83%	1,733	75.88%	199	4.78%	2,171	95.22%	387	15.96%		
12	Guilford	H11	3,542	1,017	34.12%	1,447	40.85%	15	0.42%	48	1.27%	69	1.78%	66	1.66%	26	1.02%	1,483	41.87%	136	3.80%	3,404	96.10%	1,664	62.89%		
12	Guilford	H12	1,676	838	50.00%	701	37.37%	18	0.85%	96	5.22%	91	4.80%	32	1.71%	18	0.96%	719	38.33%	169	9.01%	1,707	90.99%	962	47.91%		
12	Guilford	H17	1,607	800	50.34%	618	38.40%	21	1.31%	82	3.86%	73	4.54%	24	1.49%	11	0.68%	626	39.14%	121	6.16%	1,478	91.85%	788	47.79%		
12	Guilford	H18	2,510	1,160	46.33%	1,186	47.25%	3	0.12%	81	3.23%	37	1.47%	40	1.89%	13	0.52%	1,199	47.77%	146	5.78%	2,364	94.22%	1,080	43.03%		
12	Guilford	H18A	1,388	341	24.30%	988	71.35%	8	0.57%	17	0.79%	27	1.93%	18	1.30%	17	1.22%	1,019	72.63%	45	3.22%	1,363	98.78%	339	23.53%		
12	Guilford	H18B	1,188	880	77.62%	198	16.87%	3	0.27%	30	3.26%	13	1.17%	8	0.72%	1	0.09%	199	17.09%	38	3.16%	1,073	96.84%	842	75.89%		
12	Guilford	HP	7,725	4,443	57.49%	2,071	26.81%	23	0.30%	356	7.29%	128	1.66%	104	1.35%	44	0.57%	2,115	27.38%	385	4.98%	7,342	95.04%	4,036	59.94%		
12	Guilford	JAM3	6	3	75.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	1	25.00%	0	0.00%	0	0.00%	0	0.00%	6	100.00%	3	75.00%		
12	Guilford	JEF3	3,217	1,040	32.49%	2,008	62.45%	23	0.71%	40	1.24%	53	1.65%	50	1.55%	33	1.03%	2,080	63.38%	122	3.79%	3,095	96.21%	884	30.80%		
12	Guilford	MON2	4,906	2,238	45.62%	2,383	48.58%	20	0.41%	56	1.12%	149	3.04%	70	1.43%	42	0.86%	2,425	49.44%	284	5.96%	4,607	93.92%	2,189	43.85%		
12	Guilford	SUM1	2,310	1,125	48.53%	951	40.99%	12	0.52%	137	5.91%	75	3.24%	36	1.54%	30	1.29%	981	41.46%	133	5.74%	2,185	94.26%	1,070	46.16%		
	Guilford	Total	168,580	69,116	31.47%	83,934	57.20%	974	0.66%	6,254	4.23%	6,888	4.73%	2,762	1.88%	1,736	1.18%	86,270	58.18%	12,911	8.40%	134,248	91.60%	42,110	26.73%		
12	Mecklenburg	002	17	14	82.35%	3	17.65%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	3	17.65%	0	0.00%	17	100.00%	14	82.35%		
12	Mecklenburg	003	3,310	987	15.83%	1,842	58.67%	24	0.73%	128	3.87%	588	18.71%	108	3.29%	61	1.84%	2,002	60.51%	867	25.69%	2,453	74.11%	345	10.42%		
12	Mecklenburg	004	2,783	1,116	40.03%	1,199	42.93%	6	0.21%	98	3.51%	510	11.05%	62	2.22%	24	0.86%	1,293	45.79%	520	18.62%	2,273	81.36%	848	33.94%		
12	Mecklenburg	005	2,743	810	30.90%	1,031	38.88%	10	0.36%	80	2.82%	693	25.61%	70	2.55%	39	1.42%	1,062	38.26%	979	35.68%	1,764	64.31%	892	23.77%		
12	Mecklenburg	006	3,670	1,164	31.90%	1,863	50.66%	43	1.17%	92	1.41%	468	12.91%	84	2.50%	45	1.22%	1,908	51.90%	772	21.00%	2,894	79.00%	967	25.78%		
12	Mecklenburg	011	7,647	3,189	67.43%	1,883	26.08%	21	0.27%	288	3.52%	94	0.84%	148	1.80%	60	0.73%	2,053	26.68%	280	3.27%	7,367	86.73%	5,011	65.53%		
12	Mecklenburg	012	2,930	251	8.57%	2,478	84.51%	10	0.34%	42	1.43%	48	1.64%	123	3.52%	67	1.89%	2,533	86.45%	174	5.94%	2,756	94.06%	356	7.10%		
12	Mecklenburg	013	5,749	2,439	42.39%	2,874	51.73%	8	0.10%	225	3.91%	44	0.77%	82	1.88%	41	0.71%	3,016	52.44%	264	4.58%	5,485	95.41%	2,284	39.21%		
12	Mecklenburg	014	2,369	410	17.75%	1,772	76.08%	6	0.24%	77	3.28%	35	1.48%	49	2.20%	40	1.68%	1,812	76.76%	97	2.84%	2,293	97.16%	403	17.09%		
12	Mecklenburg	016	2,956	51	1.72%	2,804	94.87%	5	0.17%	13	0.44%	40	1.39%	82	1.79%	43	1.45%	2,847	96.02%	107	3.61%	2,856	96.39%	21	0.71%		
12	Mecklenburg	017	2,236	348	24.59%	1,467	69.50%	13	0.58%	33	1.48%	111	4.96%	44	1.97%	33	1.48%	1,500	67.06%	221	9.88%	2,015	90.12%	474	21.20%		
12	Mecklenburg	020	4,043	1,736	42.94%	2,102	51.99%	20	0.49%	85	2.10%	45	1.11%	51	1.26%	31	0.77%	2,133	52.76%	142	3.51%	3,901	96.49%	1,856	40.90%		
12	Mecklenburg	023	1,799	368	19.34%	1,307	75.98%	18	1.00%	12	0.67%	24	1.33%	30	1.67%	22	1.22%	1,388	77.21%	54	3.00%	1,745	97.00%	323	17.95%		
12	Mecklenburg	024	2,902	604	23.21%	1,878	72.18%	16	0.58%	40	1.54%	17	0.65%	46	1.84%	33	0.68%	1,901	73.08%	72	2.77%	2,530	97.23%	901	22.35%		
12	Mecklenburg	025	2,241	41	1.83%	2,140	95.49%	5	0.22%	16	0.71%	17	0.76%	22	0.98%	18	0.80%	2,158	96.30%	31	1.38%	2,210	98.62%	34	1.52%		
12	Mecklenburg	026	3,883	711	19.25%	2,662	70.46%	28	0.73%	110	2.86%	182	5.32%	40	1.33%	32	0.87%	2,694	71.32%	320	8.87%	3,373	91.38%	821	18.62%		
12	Mecklenburg	027	3,721	825	14.19%	2,938	67.94%	28	0.75%	61	1.64%	864	13.54%	72	1.93%	24	0.91%	2,962	68.65%	707	19.03%	3,014	81.00%	381	10.24%		
12	Mecklenburg	028	2,770	962	31.12%	1,579	57.00%	12	0.43%	108	3.90%	180	5.42%	50	2.13%	35	1.29%	1,614	58.27%	240	8.68%	2,530	91.34%	789	28.84%		
12	Mecklenburg	029	3,152	1,042	46.90%	987	31.16%	34	1.14%	291	8.44%	940	18.09%	72	2.28%	28	0.82%	993	31.69%	660	20.97%	2,502	79.35%	1,312	41.62%		
12	Mecklenburg	030	2,461	1,739	70.28%	559	22.71%	10	0.41%	82	3.33%	39	1.58%	42	1.71%	21	0.85%	580	23.57%	109	4.43%	2,352	95.57%	1,678	68.10%		

Voting Age Population by Race and Ethnicity - District 12
CST-1A Redistricting Congress 3

Data Source: 2010 Census

Election Statistics - Split VTD			Voting Age Population by Race																		Total Population by Ethnicity					
District	County	VTD	Total	White	% White	Black	% Black	NA	% NA	API	% API	Other	% Other	MR	% MR	MR Black	% MR Black	VAP Black	% Total Black	Hisp	% Hisp	Non Hisp	% Non Hisp	White Non Hisp	White Non Hisp
12	Mecklenburg	031	2,969	104	3.91%	2,451	82.18%	27	0.83%	34	0.53%	14	0.53%	34	2.03%	57	1.92%	2,502	84.10%	59	2.22%	2,600	97.78%	88	3.39%
12	Mecklenburg	030	3,196	1,481	47.25%	628	20.40%	38	1.21%	84	2.68%	629	20.20%	77	2.40%	24	0.77%	653	27.17%	1,005	32.09%	2,131	67.89%	1,181	37.66%
12	Mecklenburg	039	3,121	266	8.52%	2,911	83.66%	10	0.32%	110	3.52%	49	2.66%	36	1.12%	31	0.99%	2,942	84.66%	167	5.33%	2,954	94.67%	292	7.43%
12	Mecklenburg	040	3,046	858	10.97%	2,003	65.78%	25	0.82%	226	7.39%	126	4.14%	64	1.90%	37	1.22%	2,040	67.00%	182	5.98%	2,863	94.02%	581	18.41%
12	Mecklenburg	041	3,166	570	17.89%	2,268	71.08%	30	0.94%	160	5.33%	109	3.42%	44	1.38%	21	0.66%	2,287	71.74%	197	6.18%	2,981	93.82%	506	15.87%
12	Mecklenburg	042	3,160	303	9.30%	2,736	74.98%	13	0.36%	52	1.43%	456	19.56%	30	1.37%	38	1.04%	2,774	76.00%	407	10.11%	2,868	81.89%	152	4.09%
12	Mecklenburg	043	4,182	678	23.31%	2,199	52.58%	40	0.96%	131	3.13%	687	16.43%	156	3.58%	64	1.53%	2,263	54.11%	1,134	27.12%	3,048	72.88%	598	16.66%
12	Mecklenburg	045	3,194	1,210	38.24%	717	23.10%	19	0.61%	278	8.69%	600	20.87%	69	2.22%	20	0.64%	737	23.74%	1,079	34.78%	2,026	65.24%	1,010	32.94%
12	Mecklenburg	046	3,364	1,221	42.44%	1,233	34.38%	26	0.73%	302	8.43%	597	11.08%	108	2.96%	43	1.20%	1,278	35.66%	622	17.33%	2,962	82.66%	1,344	37.50%
12	Mecklenburg	052	2,649	177	6.68%	2,331	84.00%	13	0.49%	5	0.19%	96	3.25%	37	1.40%	28	0.84%	2,360	88.94%	158	5.96%	2,491	94.04%	127	4.79%
12	Mecklenburg	053	4,110	835	20.27%	2,630	64.00%	15	0.36%	148	3.58%	331	8.49%	84	2.28%	45	1.09%	2,681	65.09%	680	16.24%	3,498	83.76%	634	15.30%
12	Mecklenburg	054	2,467	118	4.71%	2,281	92.65%	10	0.06%	9	0.37%	12	0.49%	26	1.14%	25	1.02%	2,308	93.66%	31	1.26%	2,431	98.74%	109	4.43%
12	Mecklenburg	055	1,741	81	3.50%	1,660	95.75%	4	0.23%	16	0.92%	53	3.04%	27	1.56%	11	0.63%	1,681	81.56%	121	6.93%	1,620	93.06%	20	1.81%
12	Mecklenburg	056	1,752	95	5.42%	1,647	94.00%	3	0.17%	40	2.65%	46	2.65%	16	0.86%	12	0.68%	1,669	88.99%	86	5.06%	1,663	94.92%	89	5.08%
12	Mecklenburg	060	2,166	234	10.70%	1,632	62.43%	7	0.32%	36	1.66%	62	3.75%	25	1.14%	16	0.73%	1,618	83.17%	145	6.63%	2,041	93.37%	187	8.56%
12	Mecklenburg	061	3,330	1,039	34.16%	1,661	31.76%	12	0.36%	154	4.61%	207	7.10%	68	1.96%	22	0.66%	1,683	32.43%	423	12.67%	2,918	87.33%	1,670	50.01%
12	Mecklenburg	062	3,479	937	29.95%	1,388	39.87%	19	0.55%	178	5.09%	958	24.57%	80	2.30%	41	1.18%	1,427	41.05%	1,301	37.43%	2,175	62.57%	598	17.20%
12	Mecklenburg	063	2,667	1,091	37.79%	1,102	38.17%	34	1.18%	170	5.89%	418	14.91%	71	2.46%	24	0.83%	1,128	39.00%	852	29.69%	2,026	70.14%	722	25.01%
12	Mecklenburg	077	3,267	475	14.54%	1,847	56.60%	38	1.16%	31	0.95%	881	26.84%	65	2.01%	28	0.86%	1,878	60.45%	1,144	35.02%	2,123	64.98%	153	4.68%
12	Mecklenburg	078.1	2,870	885	32.21%	884	33.00%	17	0.63%	640	23.89%	219	8.17%	90	2.89%	23	0.86%	907	33.86%	393	14.67%	2,286	85.33%	736	27.50%
12	Mecklenburg	078	2,211	993	44.91%	704	31.84%	22	1.00%	282	12.75%	162	7.33%	48	2.17%	15	0.68%	719	32.52%	284	12.84%	1,927	87.16%	805	40.80%
12	Mecklenburg	081	4,810	1,377	28.58%	2,409	50.24%	53	1.08%	285	6.50%	233	4.84%	65	1.78%	52	1.08%	2,488	56.32%	484	12.05%	4,154	86.95%	1,204	24.96%
12	Mecklenburg	082	5,564	913	17.02%	2,718	53.34%	35	0.71%	56	1.10%	1,216	23.95%	157	3.09%	65	1.28%	2,783	54.91%	1,901	37.30%	3,195	62.70%	364	7.14%
12	Mecklenburg	084	3,722	1,210	32.61%	1,872	42.24%	38	1.02%	106	2.90%	698	18.75%	98	2.68%	43	1.16%	1,615	43.39%	1,580	28.45%	2,883	71.55%	940	25.26%
12	Mecklenburg	087	1,879	796	42.39%	982	48.94%	8	0.43%	44	2.34%	108	5.75%	41	2.18%	24	1.28%	938	48.22%	235	12.51%	1,644	87.49%	691	36.77%
12	Mecklenburg	088	3,488	1,087	30.62%	1,889	54.20%	45	0.82%	144	2.62%	1,468	27.28%	240	4.57%	52	0.99%	1,978	34.99%	2,018	54.10%	2,819	45.90%	340	9.64%
12	Mecklenburg	089	3,894	1,267	37.69%	1,895	43.15%	23	0.62%	125	3.36%	453	12.26%	109	2.79%	60	1.62%	1,969	44.78%	694	18.79%	3,002	81.22%	1,133	30.66%
12	Mecklenburg	104	3,848	802	16.91%	2,460	66.16%	19	0.62%	128	3.51%	324	8.88%	84	2.41%	47	1.29%	2,532	68.45%	694	18.28%	3,062	83.71%	368	10.06%
12	Mecklenburg	105	5,049	2,562	47.18%	1,930	37.84%	30	0.56%	339	6.71%	258	5.07%	147	2.79%	74	1.47%	1,977	39.16%	506	10.02%	4,543	89.98%	2,199	43.41%
12	Mecklenburg	107.1	3,597	1,408	39.08%	1,624	49.34%	12	0.33%	221	5.66%	171	4.65%	61	1.66%	37	1.00%	1,681	60.34%	727	8.69%	3,570	91.15%	1,260	34.98%
12	Mecklenburg	108	3,869	803	20.73%	1,886	48.62%	39	1.00%	232	5.97%	708	18.21%	108	2.78%	60	1.54%	1,958	50.39%	1,168	30.04%	2,720	69.95%	964	14.51%
12	Mecklenburg	116	1,931	837	32.99%	857	48.39%	21	1.09%	50	2.59%	218	11.29%	84	2.60%	28	1.45%	881	53.60%	401	20.77%	1,530	79.23%	491	25.43%
12	Mecklenburg	117	2,744	1,168	43.29%	1,240	45.19%	9	0.33%	64	2.33%	178	6.49%	85	2.57%	57	1.35%	1,277	46.54%	360	12.83%	2,392	87.17%	1,037	37.79%
12	Mecklenburg	120	4,662	1,843	37.99%	1,750	36.19%	26	0.56%	201	4.30%	838	20.03%	188	3.97%	96	1.24%	1,848	39.43%	1,775	37.69%	2,934	62.07%	884	18.68%
12	Mecklenburg	123	2,449	828	33.81%	1,234	50.36%	10	0.41%	79	3.23%	228	9.19%	73	2.98%	36	1.47%	1,270	51.88%	393	16.04%	2,056	84.36%	718	29.32%
12	Mecklenburg	124	2,950	963	23.15%	1,836	62.26%	27	0.91%	60	2.33%	239	8.08%	105	5.46%	56	1.89%	1,626	54.94%	445	15.04%	2,514	84.95%	548	18.56%
12	Mecklenburg	125	1,612	713	44.23%	680	40.32%	9	0.56%	54	3.35%	156	9.68%	31	1.92%	19	0.83%	969	41.20%	330	20.47%	1,282	79.53%	567	34.95%
12	Mecklenburg	126	3,531	595	25.35%	1,974	56.90%	11	0.31%	436	12.46%	166	4.43%	97	1.61%	40	1.13%	2,014	57.04%	280	7.08%	3,281	92.92%	853	22.74%
12	Mecklenburg	130	2,291	807	44.61%	718	34.24%	17	0.81%	119	5.64%	236	11.36%	65	3.11%	32	1.53%	748	35.77%	407	19.19%	1,880	80.82%	912	38.63%
12	Mecklenburg	132	2,600	1,232	44.00%	777	27.79%	26	1.25%	116	4.21%	579	20.57%	92	2.21%	30	1.57%	607	28.62%	913	32.61%	1,887	67.39%	950	33.93%
12	Mecklenburg	135	8,085	2,916	36.07%	4,176	51.66%	51	0.63%	256	3.09%	530	6.63%	154	1.90%	103	1.27%	4,281	52.99%	1,094	13.04%	7,031	86.96%	2,511	31.06%
12	Mecklenburg	136	3,737	1,439	38.51%	1,576	42.17%	24	0.64%	278	7.44%	337	9.02%	83	2.22%	57	1.53%	1,693	43.70%	880	18.45%	3,047	81.54%	1,129	30.21%
12	Mecklenburg	141	6,627	3,997	56.16%	1,498	21.22%	29	0.44%	764	11.86%	232	3.50%	170	2.70%	108	1.64%	1,611	22.80%	481	7.41%	6,136	92.59%	3,809	57.39%
12	Mecklenburg	148	5,948	1,798	30.16%	2,552	42.87%	23	0.39%	1,248	20.86%	180	3.19%	182	2.72%	80	1.49%	2,618	44.01%	453	7.62%	5,495	92.38%	1,619	27.22%
12	Mecklenburg	147	5,078	1,625	31.99%	2,258	44.43%	32	0.63%	470	9.26%	660	11.01%	136	2.72%	92	1.92%	2,308	48.45%	1,087	20.67%	4,321	79.16%	1,224	24.10%
12	Mecklenburg	149	4,606	1,758	38.04%	2,168	48.72%	15	0.33%	288	6.27%	381	8.53%	97	2.11%	63	1.19%	2,208	47.67%	669	13.22%	3,899	86.78%	1,530	33.20%
12	Mecklenburg	151	3,884	1,843	47.67%	1,562	41.09%	10	0.28%	168	4.39%	150	4.13%	92	2.30%	42	1.09%	1,624	42.14%	368	9.31%	3,485	90.69%	1,680	43.89%
12	Mecklenburg	203	5,537	2,294	41.43%	2,801	49.67%	19	0.34%	164	2.78%	324	5.85%	145	2.62%	93	1.59%	2,894	48.69%	758	13.69%	4,781	86.36%	1,953	35.27%
12	Mecklenburg	204.1	4,736	1,748	36.87%	2,468	52.11%	12	0.25%	229	4.84%	178	3.76%	122	2.15%	97	1.70%	2,525	53.32%	453	9.57%	4,283	90.43%	1,547	32.66%
12	Mecklenburg	206	3,234	1,730	53.49%	1,219	32.11%	6	0.29%	136	4.20%	203	6.18%	58	1.79%	24	0.74%	1,303	32.66%	487	15.06%	2,750	84.94%	1,534	47.40%
12	Mecklenburg	210	6,040	1,666	17.68%	4,349	72.99%	24	0.40%	111	1.84%	258	4.85%	134	2.26%	66	1.45%	4,477	74.06%	537	8.88%	5,506	91.12%	620	10.22%
12	Mecklenburg	211	7,726	3,934	50.88%	3,016	38.91%	33	0.43%	332	4.29%	288	3.74%	138	1.78%	77	1.00%	3,087	39.90%	669	8.65%	7,067	91.35%	3,622	48.67%
12	Mecklenburg	212	12,127	5,317	43.84%	4,404	36.32%	45	0.37%	1,783	14.54%	280	2.38%	308	2.56%	123	1.01%	4,527	37.33%	772	5.99%	11,434	94.04%	4,872	41.90%
12	Mecklenburg	213	4,887	1,141	23.44%	3,008	61.76%	32	0.66%	218	4.48%	358	7.87%	82	1.66%	59	1.21%	3,065	62.68%	576	11.65%	4,291	88.17%	1,014	20.83%
12	Mecklenburg	232	8,351	2,932	37.09%	3,967	50.02%	40	0.60%	219	2.45%	204	3.21%	126	2.03%	70	1.20%	3,443	54.21%	384	6.09%	5,967	93.91%	2,264	35.80%
12	Mecklenburg	237	4,676	2,197	45.09%	1,952	41.75%	18	0.38%	203	4.34%	292	6.24%	104	2.22%	56	1.19%	2,007	42.92%	518	11.04%	4,180	88.96%	1,948	41.66%
	Mecklenburg	Total	384,372	93,691	33.93%	183,886	56.85%	1,834	0.57%	14,403	5.14%	23,805	8.49%	6,453	2.27%	3,000	1.10%	147,199	51.76%	43,484	14.85%	241,888	83.03%	79,765	27.88%
12	Rowan	04	4,116	3,918	95.19%	84	2.04%	18	0.32%	18	0.38%	97	1.33%	27	0.96%	8	0.19%	90	2.19%	177	4.30%	3,938	95.70%	3,806	92.47%

AmAsian: AloneAsian Indian and Alaskan Native, Pi-Native Hawaiian and other Pacific Islander
Mixed/Other Race: Hispanic or Latino (of any race)

Voting Age Population by Race and Ethnicity - District 12
C-07-08 Ashe-Lewis Congress 3

Data Source: 2010 Census

Working Version + Spot VTD			Voting Age Population by Race																Total Population by Ethnicity					
District	County	VTD	Total	White	% White	Black	% Black	NA	% NA	API	% API	Other	% Other	MR	% MR	Blk Black	% Blk Blac	Total Black	% Total Blac	Hisp	% Hisp	Non Hisp	% Non Hisp	White Non Hisp	Black Non Hisp
12	Rowan	35	3,717	3,157	84.95%	282	7.59%	7	0.19%	45	1.21%	227	5.97%	40	1.33%	10	0.51%	311	8.37%	368	9.90%	3,349	90.10%	2,988	79.60%
12	Rowan	19	1,184	179	14.99%	954	81.97%	9	0.75%	2	0.17%	16	1.34%	20	1.66%	17	1.43%	995	82.50%	27	2.29%	1,157	97.74%	172	14.41%
12	Rowan	29	2,580	1,422	52.46%	797	30.72%	9	0.35%	18	0.66%	112	4.31%	38	1.45%	24	0.82%	831	31.83%	169	7.35%	2,407	92.72%	1,960	60.32%
12	Rowan	30	4,371	3,837	85.18%	764	17.94%	22	0.60%	66	1.58%	427	9.77%	44	1.39%	7	0.19%	791	9.10%	740	10.93%	3,651	83.97%	2,281	62.94%
12	Rowan	34	3,415	2,260	87.03%	826	24.48%	12	0.39%	117	3.43%	118	3.45%	43	1.25%	10	0.29%	846	24.77%	243	7.28%	3,155	92.71%	2,178	63.76%
12	Rowan	36	1,456	768	52.71%	626	36.66%	6	0.42%	14	0.97%	96	6.62%	36	2.50%	7	0.48%	533	37.07%	161	11.20%	1,277	88.82%	712	49.31%
12	Rowan	38	3,139	1,641	52.28%	1,232	39.26%	10	0.32%	45	1.43%	160	5.10%	49	1.56%	31	0.99%	1,283	40.24%	247	7.87%	2,892	92.13%	1,865	49.98%
12	Rowan	39	3,300	1,522	46.15%	1,914	45.88%	12	0.36%	27	0.82%	86	2.56%	40	1.21%	16	0.48%	1,340	40.36%	185	5.61%	3,115	94.39%	1,539	46.61%
12	Rowan	42	2,001	80	4.57%	1,795	68.71%	4	0.20%	1	0.05%	97	4.85%	14	0.70%	10	0.50%	1,655	69.28%	142	7.10%	1,859	92.90%	12	3.10%
12	Rowan	44	3,108	2,940	94.85%	63	2.03%	18	0.62%	13	0.43%	47	1.46%	22	0.71%	6	0.19%	69	2.22%	95	3.09%	3,010	96.91%	2,911	93.72%
	Rowan	Total	32,302	21,156	65.41%	8,891	27.49%	123	0.38%	388	1.19%	1,441	4.45%	383	1.18%	180	0.47%	8,644	27.00%	2,581	7.97%	29,811	92.03%	20,329	62.45%
	District	Total	364,436	290,570	39.64%	308,887	49.59%	3,667	0.58%	22,474	4.19%	37,880	6.65%	10,739	1.67%	5,620	1.67%	273,612	80.66%	65,748	17.98%	478,688	87.62%	179,228	32.82%

Analysis: NAA=American Indian and Alaskan Native, Hisp=Hispanic and other Pacific Islander
Whites=Race map=Hispanic or Latino (of any race)

District Attributes
Congress ZeroDeviation

Voting Age Pop By Race

District	Total	VA:White	VA:Black	VA:Nat.	VA:A/PI	VA:Other	VA:Multi-Race
1	457,936	223,452	218,732	3,273	2,370	6,844	3,265
	100.00%	48.80%	47.76%	0.71%	0.52%	1.49%	0.71%
2	461,285	296,280	132,825	2,868	5,240	18,534	5,538
	100.00%	64.23%	28.79%	0.62%	1.14%	4.02%	1.20%
3	471,682	375,931	73,664	2,026	5,007	10,086	4,968
	100.00%	79.70%	15.62%	0.43%	1.06%	2.14%	1.05%
4	466,938	338,060	91,990	1,475	18,543	11,002	5,868
	100.00%	72.40%	19.70%	0.32%	3.97%	2.36%	1.26%
5	475,897	431,416	29,986	1,061	3,385	6,986	3,063
	100.00%	90.65%	6.30%	0.22%	0.71%	1.47%	0.64%
6	471,401	416,498	38,359	1,891	4,312	7,118	3,223
	100.00%	88.35%	8.14%	0.40%	0.91%	1.51%	0.68%
7	467,475	316,305	99,846	36,400	2,582	8,615	3,727
	100.00%	67.66%	21.36%	7.79%	0.55%	1.84%	0.80%
8	457,491	309,969	113,277	7,625	8,062	12,670	5,788
	100.00%	67.75%	24.78%	1.67%	1.76%	2.77%	1.27%
9	462,224	397,949	44,101	1,411	9,343	5,730	3,690
	100.00%	86.09%	9.54%	0.31%	2.02%	1.24%	0.80%
10	468,955	413,377	39,849	1,120	5,320	6,309	2,980
	100.00%	88.15%	8.50%	0.24%	1.13%	1.35%	0.64%
11	487,221	449,400	20,598	6,686	2,416	4,310	3811
	100.00%	92.24%	4.23%	1.37%	0.50%	0.88%	0.78%
12	460,679	232,950	194,901	1,886	9,305	15,729	5,908
	100.00%	50.57%	42.31%	0.41%	2.02%	3.41%	1.28%
13	476,082	325,568	120,242	1,800	9,654	12,900	5,918
	100.00%	68.38%	25.26%	0.38%	2.03%	2.71%	1.24%
Total:	**6,085,266**	**4,527,155**	**1,218,470**	**69,522**	**85,539**	**126,833**	**57,747**